

City Council Chamber, City Hall, Tuesday, December 15, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 15, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present.

At 2:08 p.m. Mayor White called the meeting to order and stated that Council Member Khan would begin presentations. Council Members Johnson, Sullivan, Holm, Rodriguez, Brown and Jones absent.

Council Member Khan stated that his presentation was to honor all who worked on the Council floor, the Council staff, over the years he worked with staff from all Council offices and developed a tremendous appreciation for their work; that in his case he was blessed to have some of the most wonderful people to serve constituents of District F and as he finished his sixth year on Council it was appropriate to honor them; and invited his staff members, Ernest McGowen, Jr., Ms. Brigitte Zabak, Ms. Dawn Hurd, Ms. Rabia Taslim, and Mr. Ahmad Alaswad, two staff members not with him any longer, Mr. Benjamin Hernandez and Ms. Gloria Moreno, were invited to the podium and presented each a Proclamation proclaiming today as "District F Day" in Houston, Texas. Council Members Johnson, Sullivan, Holm, Rodriguez, Brown and Jones absent.

Council Members Clutterbuck, Green and Adams thanked each for their outstanding work and congratulated them on their acknowledgment. Council Members Johnson, Rodriguez and Jones absent.

Council Member Holm invited those with her presentation to the podium and stated that as this year came to an end she was reflective of the past six years in District G and she was excited that many neighborhoods worked so hard to establish themselves as a Super Neighborhood; that today they were designating Super Neighborhoods 5 and 6 and she saluted them for looking beyond neighborhood borders and partner with others, assigned the neighborhood liaison to each which was Ms. Elaine Gascamp; and presented each a Proclamation proclaiming today as "Eldridge/West Oaks Super Neighborhood Council Day" and "Memorial Super Neighborhood Council Day" in Houston, Texas. Council Members Johnson, Rodriguez and Jones absent.

At 2:23 p.m. Mayor White called on Council Member Lovell who led all in the prayer and pledge. Council Members Rodriguez, Noriega and Jones absent.

At 2:25 p.m. Mayor White requested the City Secretary call the roll. Council Members Noriega and Jones absent.

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

Council Member Adams on a point of personal privilege introduced her niece, Shannon Stevens, who was visiting from Dallas. Council Members Noriega and Jones absent.

At 2:25 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Noriega and Jones absent.

Mr. Leo Vasquez, 1001 Preston, Houston, Texas 77002 (713-368-2010) appeared, presented information and stated that he was the Harris County Tax Assessor Collector and Voter Registrar whose office collected taxes for 66 jurisdictions in Harris County including the City of Houston; that the 65 other jurisdictions each paid the Harris County Tax Office their fair share of expense, however, the City of Houston inexplicably had their fee structure set at a fixed amount since 1995; that for years his and the city's staff worked in good faith to update the City of Houston's fee structure and on June 2, 2009, Council voted to approve the contract amendment and yet to date the Mayor had refused to execute agreements; that he would be leaving with the city's finances in disastrous condition and taxpayers of HISD, etc., could not be expected to make up for the city's "manana" management of cash flow and his choice would be to terminate the out of date collection agreement with the City of Houston or force other jurisdictions to make up for Houston's shortfall and should he continue refusal of the execution of the collection amendments placing the city on an equal basis of other jurisdictions he would be forced to terminate the existing fee agreement with total collection cost being at least 200% to 300% more than what they would be charged under the updated schedule; and urged signage. Council Members Noriega and Jones absent.

Council Member Clutterbuck thanked Mr. Vasquez for coming and expressing his concerns and stated that in his opening statement there were a few things she would point out and while she agreed they absolutely needed a contract with the county, she was present during negotiations and understood there was good faith agreement to tie this to enabling him and his office to help the city collect red light camera fees and deny them opportunity to renew vehicle registrations should they want to renew with outstanding red light camera violations and she knew that was his intent as well; that she would differ in that the initial contract which set the city's fee structure between the city and Harris County was not inexplicably set, it was negotiated by the county and city predecessors, to say it was inexplicably set implied somehow the city was weaseling out of their negotiations and commitment and she would disagree this Mayor was leading the city's finances into a disastrous condition; and asked that Mayor White address concerns; and Mayor White stated that he appreciated any citizen coming to Council and would say to all that until he knew Mr. Vasquez was coming to public session he had not received a call from him concerning this matter; that secondly, there was an agreement which existed between the City of Houston and Harris County; third, Council Member Clutterbuck was accurate that there was a cordial meeting on this topic much of which had to do with customer service being enhanced for citizens by joint use of facilities and the work Mr. Vasquez would undertake allowing a level playing field for those who paid civil citations on running red lights in a manner consistent with law and he was supportive of that; fourth, based on that and the commitment he did give instruction to the Finance and Administration Office and was told failure to renegotiate this agreement was the impediment to having the county's cooperation on another matter and he did not think the two should have been related, but that was what he was told and they did proceed; and finally, the City Attorney had an important role to play in the city and whether a contractor..., if there was an amendment changing terms of a contractual agreement unfavorable to taxpayers, the Legal Department was reviewing because of the question of consideration, that was the value received, he assured the Legal Department that Mr. Vasquez and his office and the county would work in good faith and had been and he thought they were dealing with the County Attorney's Office and others on these matters so they could both be resolved; and he would also say the city's financial condition, cash reserves today, were at least double what they were previously and the bond rankings had consistently gone up unlike other jurisdictions; and Council Member Clutterbuck stated that she thought they were dealing with Mr. Vasquez's and the City of Houston's good faith efforts to renegotiate what they paid to the county for collection so it was the same formula other jurisdictions paid and secondly that the county would help collect on the red light camera; and upon questions, Mr.

Vasquez stated that he appreciated the meeting they had and rather than having two separate meetings they did mention the collection fee agreement and the red light cameras and he presented it to the Harris County Commissioners Court, but now it was out of his hands, it was two separate issues being discussed, but Council voted June 2, 2009, to approve this contract and it said nothing about red light camera approval with it and from his understanding the policy of Houston was not to have evergreen contracts and was the 1995 contract an evergreen contract, would it stay that forever, it was contrary to City of Houston policy; and again urged the Mayor to sign the agreement; and Mayor White thanked Mr. Vasquez for coming and stated that his predecessor was able to reach him by phone and on evergreen contracts he could not think of a single time since he had been Mayor where he said let's renegotiate a contract with any body that would contract to provide services, to pay them more money because the contract had been in place a long time; that there was this case and he thought they were working in good faith and they would take into account what Mr. Vasquez said and he would ask members of this body who voted on budgets the characterization of their public service in adopting disastrous budgets by this elected official and he wanted them to reflect on how they should deal with that situation. Council Members Noriega, Green and Jones absent.

Mr. Justin Brennan, 3815 Scenic, Kingwood, Texas 77345 (281-229-9939) appeared and stated that he was representing EZ Go Golf Cars in Houston, Texas; that it was the golf car used at the city for many years and they did pride themselves on service and support provided Houston residents; that they were unfortunately not the low bidder at the recent bidding though they strictly followed specifications; that the lowest bid was submitted by Yamaha Golf-Car Company in Georgia; that the bid sent out in Section 8 stated local stock and warehouse facilities would have an adequate fleet maintained, etc., by the provider; that neither EZ Go or Yamaha were able to fulfill those specifications as neither manufacturer kept a local stockroom and they believed Yamaha fell short on other product specifications which allowed them to submit a lower bid; that it was only a 1% difference and he would challenge the city to question their references with other municipalities in Texas who chose to do business with Yamaha in a factory direct manner; that they believed the technology of EZ Go would more than make up for the savings offered by Yamaha and they would ask that bid invitation be dropped and a new invitation with more specific specifications be issued. Council Members Holm, Noriega, Green and Jones absent.

Mayor White thanked Mr. Brennan for coming and sharing his thoughts. Council Members Holm, Noriega, Green and Jones absent.

Mr. Curt Maddux, 1409 I-45 South, Conroe, Texas 77301 (936-203-0581) appeared and stated that he was vice president of Conroe Golf Cars and he had handled the city's account for the last 12 years; that the partnership formed had overcome many obstacles including hurricanes, floods, etc., without notice from the city they granted an extension to the city of their lease until December 26, 2009, and before they gave an aye vote to the new golf car lease and proposal with a difference of less than 70¢ per car per month he asked they consider whether it was worth taking the risk of a new vendor who did not have a location in Texas, let alone the City of Houston, how would they provide special event carts without location or dedicated facility or rental fleet; why send money out of the city and state; that a year ago he was called at home the same night as Hurricane Ike saying the city was declared in state of emergency and could they help and with no power or water they gathered owners and employees and prepared to help and conquer the catastrophe together delivering over 100 carts; how could a contract be awarded to a company and them deliver in less than 5 working days when their extension ended; and urged all evidence be considered and choose the correct vender in the proposal. Council Members Holm, Lovell, Noriega, Green and Jones absent.

Council Member Clutterbuck thanked Mr. Maddux and Mr. Brennan for appearing and stated that they made valid points; that they were different than the county in that they were

required to take the lowest bid and that was their challenge, but he did make a valid point and she thanked him for stepping up in a time of need and it would be nice if they could figure how to support local companies while maintaining their commitment to state law. Council Members Sullivan, Holm, Lovell, Noriega, Green and Jones absent.

Mayor White thanked Mr. Maddux for coming so they could take a look at the situation, he was not aware of it. Council Members Sullivan, Holm, Lovell, Noriega, Green and Jones absent.

Ms. Cheryl Parker, 10818 Shawnbrook Drive, Houston, Texas 77071 (713-775-2851) appeared and stated that she was in the Community Outreach with the Houston Arts Alliance which did seek to strengthen its services, delivery and community outreach throughout the City of Houston and many Council Members had been in discussion with their CEO over the past months regarding increasing access to arts and cultural funding in their district and she was present because they heard them and did seek Council's assistance to make it happen; that each year they provided close to \$10 million in grants to more than 250 organizations and artists on behalf of the City of Houston; that they wanted to broaden their outreach to all communities. Council Members Sullivan, Khan, Holm, Lovell, Noriega and Jones absent.

Upon questions by Council Member Johnson, Ms. Parker stated that her title was Community Outreach; and Council Member Johnson stated that he had a number of conversations with Jonathan, CEO, to make sure there was participation from local artists and artists residing in the community where they did the art and mentioned the importance of making sure the art reached all neighborhoods and he appreciated attention to that fact and to increase funding and appreciated her work also; and Ms. Parker stated that she thanked Council Members Johnson, Adams and Gonzalez for agreeing to meet with her on outreach efforts. Council Members Lawrence, Sullivan, Khan, Holm, Brown, Noriega and Jones absent.

Council Member Adams thanked Ms. Parker for what she was doing and reaching out and sharing and she looked forward to the upcoming workshops. Council Members Lawrence, Khan, Holm, Gonzalez, Brown, Noriega and Jones absent.

Ms. Evelyn Merz, 7095 Santa Fe Drive, Houston, Texas 77061 (713-644-8228) appeared and stated that she was a resident of Garden Villas and a part of the Sims Bayou Coalition which organized cleanups along the bayou and worked five years to see Stuart Park acquired as a special addition to the city's parks, it would have youth education and it was about 27 acres bordering Sims Bayou; that Phase I would include trails and teaching stations for wetlands and woodlands; that the city acquired the 27 acres at less than one million dollars through the courtesy of the trustee and the Houston Parks Board; and urged support from Council in implementing Phase I and future funding of additional phases, etc. Council Members Lawrence, Khan, Gonzalez, Brown, Noriega, Green and Jones absent.

Council Member Rodriguez thanked Ms. Merz for coming and all her work and stated that she had him 100% on this project; and he thanked the family of Robert C. Stewart for their very kind donation, it would be a wonderful park. Council Members Lawrence, Khan, Gonzalez, Brown, Lovell, Green and Jones absent.

Mr. Jay Garrison, 12718 Hollandale, Houston, Texas 77082 (281-556-5196) appeared, presented information and stated that he was present to speak on harassment of senior citizens; that he was in his 70's and arrested without reason in late October; that he was ticketed for not wearing a seatbelt as he got out of his car in front of a Starbucks, he was handcuffed in the rear and left for about one hour and told they had to stay in the rear for safety of the officer. Council Members Lawrence, Johnson, Khan, Brown, Green and Jones absent.

Mayor White stated to Ms. Vasquez that she make sure they received information concerning how he would file this through HPD; and Mr. Garrison stated that he had filed a complaint and Internal Affairs was involved. Council Members Lawrence, Johnson, Khan, Brown, Green and Jones absent.

Council Member Holm thanked Mr. Garrison for coming and as she understood the biggest issue was Mr. Garrison did not believe there was an outstanding warrant and police said he was arrested because of one; that she assumed IAG needed to answer it; and upon questions, Mr. Garrison stated that he was never arrested in his life and he had no outstanding warrant; that the only warrant anyone could find was for no seatbelt and that was why he was issued the ticket, but he thinks the warrant was written after the officer wrote the ticket; and Mayor White stated that a citizen being arrested for a warrant when there was none was what he said and if that occurred..., no one should be; that what he found out in his job was there were different facts from officers and citizens and that was why there was an investigation process; and Mr. Garrison stated that IA said he should go to mediation, but it would not satisfy him as he wanted repayment of the \$280.00 charged to him for towing his vehicle and he wanted the arrest record expunged so him being arrested was no longer in the records; and Mayor White stated that there were procedures for citizens with complaints. Council Members Lawrence, Johnson, Clutterbuck, Khan, Brown, Green and Jones absent.

Council Member Garcia thanked Mr. Garrison for appearing and stated that he previously served with HPD and thought where he was now with the IA investigative process was important to let go through its course and see which recommendations they would have; that if a citizen was arrested on a warrant there was a verification process and it would be presented, if there was a mistaken identity it would come to light, he would keep talking with the investigator in the investigation and a lieutenant was present and he could speak with him at this time. Council Members Lawrence, Johnson, Clutterbuck, Khan, Lovell, Green and Jones absent.

Mr. David Mears, 5107 Tidewater, Houston, Texas 77045 (713-433-0563) appeared, presented information and stated that along with information presented he also had five pictures to view; that he appeared in Council in September regarding a Public Works project in the 5100 block of Tidewater, Cambridge Village, and he presented an issue of a residential driveway at 5107 Tidewater, his and his mother's home and residence, in his handout was a letter received a day before Thanksgiving by email from the Department of Public Works and it was their response to his complaint in September, he waited three months to get an email and it was basically a justification by the Department of Public Works on why the driveway had to be reconstructed; that his photos showed the before and after condition of his yard and driveway and it was yet to be reconstructed; that Mr. Menendez, the author of his last correspondence suggested he speak again before Council and that brought him today; that Public Works stole his driveway and a portion of their life as the driveway was not usable and it was an aggravation and he was having to keep coming back with the same complaint and no resolution, this was a justification for reconstruction and new construction, not an explanation of correcting damage done to their property by the Department of Public Works. Council Members Lawrence, Clutterbuck, Khan, Lovell, Green and Jones absent.

Mayor White stated that he was reading what was presented; and upon questions, Mr. Mears stated that he wanted it as it was prior to the project, as it was originally and as his neighbor across the street had theirs; that the contractor said they would fix the yard and driveway back to original condition and never was there discussion about design as Mr. Menendez referred to in his letter; that there was much discussion in Public Works about ADA and ADA was a federal law and governed by the Department of Justice, this statute was Texas or state and municipal interpretations and adaptations of the law so justification they were following ADA guidelines was not a correct statement; that the workmanship was poor and completely different than before and it was impossible for cars to come in or back out as it

scraped the undercarriage of the car; and Mayor White stated that the Deputy Director of Public Works personally took a look at this and he may have views but with two weeks left he may not implement them; that he believed Public Works in good faith believed certain designs had to be followed, it seemed to him the number one rule should be to put it as found, but he had no doubt a well intended person came up with rules and regulations to make the sidewalk like that and that was what you got when you did one size fits all in government and he would ask a representative of Public Works..., this was why there were human beings in government and not computers, to make judgments and he would relay that thought to Public Works at this time. Council Members Lawrence, Johnson, Sullivan, Khan and Green absent.

Ms. Faith Rivers, 10106 Cheeves, Houston, Texas 77016 (832-896-0661) appeared and stated that she started working in Municipal Courts March 23rd and her ability to progress was unfairly thwarted by management and she never had a fair chance to excel; that she was harassed and discriminated against by Shawna Fontenot-Harris, the administrative supervisor, on the basis of her religion nor was she provided adequate training and she was put into a hostile work environment daily; that she arrived to work early daily and coworkers could attest; that on October 9th Ms. Harris called her into a conference room to ask why she was wearing pants and was it against her religion and Ms. Avia Banks, division manager, also called her into her office and religious preferences were not relevant to her job; that she was in training and she was humiliated in front of customers and peers saying she had to take off her sweater and other coworkers had their sweaters on; that afternoon she was so disturbed she had a meeting with Ms. Gwen Banks a supervisor, who witnessed the harassment and she asked for training and was promised training; that she was robbed of having an unbiased party present and Ms. Williams had said she would get additional training and take care of the harassment. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

Council Member Adams thanked Ms. Rivers for coming; and upon questions, Ms. Rivers stated that she had letters; and Council Member Adams stated that she would not call out names, but she was getting complaints and did not know procedure and protocol, but staff in Municipal Courts were feeling uncomfortable, she was getting complaints from several staff members about fairness, how they were being treated for unfair terminations for one reason or another; that one case was pending now on a lady who filed a sexual harassment on a particular manager in her division and one OIG investigation came back there was some substantial reasons for part of the sexual harassment, but she was put right back under the gentleman and that was a concern, if something was found against him why would she be put right back under him again; that when several were coming with the same complaint it needed to be looked into further and she would like to see what could be done; that there was always two sides to every story and what she said would be investigated, but if she was found correct on her dress and attire; and Ms. Rivers stated that two Human Resource members were present from Municipal Courts and she did not know why they were present but she was nervous; that regarding training her boss, Sandra McDaniels was extended several training sessions and moved to first shift to train and so did Ms. Angela Roberts the customer service representative, she was never allowed the opportunity; and Council Member Adams stated that she should never worry about retaliation from any staff member, if they found out it would not be tolerated and she was not fearful to let them know what she was hearing, all employees should be treated fairly and she could meet with her. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

Ms. Debbie Ramirez, 7311 Canel, Houston, Texas 77012 (713-966-0754) appeared and stated that she would request Ms. Rios speak before her; and Council Member Rodriguez moved the rules be suspended for the purpose of hearing from Ms. Patricia Rios prior to Ms. Ramirez, seconded by Council Member Jones. All voting aye. Nays none. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. MOTION 2009-0901 ADOPTED.

Ms. Patricia Rios, 2601 Revere Drive, Pasadena, Texas 77502 (713-530-3602) appeared and stated that on October 28, 2009, her Grandmother collapsed and she had been recovering from a recent medical procedure where a cancerous tumor was removed a week earlier; that they called 911 and explained to paramedics circumstances surrounding her Grandmother's fall as well as recent medical history and she lay gasping for air and her aunt attempted to fan her and that began the downturn of the paramedics demeanor in their handling of the emergency; that their motto did not apply that night as courage was replaced by arrogance, they ignored information and seemed confident her condition was simply anxiety or too much alcohol and she felt that delayed proper treatment; on commitment, needed equipment was left in the truck and not taken out until insistence of family members this was not an anxiety attack and she was not checked for her attack on onset of stroke until family members were frustrated with their lack of commitment and insisted she be transported to the hospital; compassion was not given as her Grandmother desperately communicated she could not breath, instead of calming her fears paramedics excited the situation by screaming in a sarcastic and unprofessional manner to her and family on the scene and failure of their duties and dismissing her Mother's fears resulted in the death of her Grandmother. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez offered condolences on their loss and stated that they rarely received such complaints on HFD as they had one of the top notch, if not the best, fire departments in the country; that it seemed she followed the correct process to file complaint and Chief Dupont was present and he would ask that she along with one of his staff members visit with her; and upon questions, Ms. Rios stated that the address was 3719 Lazywood; and Council Member Rodriguez stated that they wanted to get to the bottom of this and HPD would work with her in addressing the issue. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm and Green absent.

Council Member Jones stated that Ms. Rios could continue; and Ms. Rios stated that the EMS who were present were Richard Ponce, Robert Tibits, Jimmy Tieman and Cochran Jacob and they felt their actions should be brought to the light of day; and Council Member Jones offered condolences. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm and Green absent.

Ms. Debbie Ramirez, 7311 Carnel, Houston, Texas 77012 (713-966-0754) appeared and stated that she told her Mom help was now near, but when they came in they were no help; that EMS reports would say the family were the ones bad, but one guy was as scared as they were, he was so scared he said nothing; that she began getting phone calls her husband said, but they would not leave their names, they just said they were from the City of Houston; that she knew that man was looking and knew what happened at their house; that Ponce started acting sarcastic when he saw Robert doing it; that she was in the front of the ambulance as they drove and she was looking through the hole while he screamed at her mother and then he tried to block the hole, but she could still hear; that they wanted her social security and medical card, apparently they could not transport someone without the documents, but it was a lie; that they even screamed at her at the hospital when she asked where the documents were. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Ramirez stated that her Mom was the one in the ambulance and he hollered at her in the back, but she was looking through the hole and he was yelling to stop, nothing was wrong with her and they tried to block her view, but she could still hear; that someone called all day today and yesterday trying to get her; that she asked the nurse what the EMS guy just gave and he said he gave her Mom's things but he had told him she was right there and he could give it to her, but he said no and threw them and he

left, he was bad. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez gave condolences and stated that he would like to hear from the Administration; and Vice Mayor Pro Tem Lovell stated that those who were trying to contact her were those in the Citizens Assistance Office, when someone signed up to speak they were contacted to get all information they could to try and resolve the situation; that as soon as they found out what this was today it was referred to Chief Dupont, who was present, and she had a memo from her that they were taking this matter very seriously; that all here were sorry for their loss and this experience was so unusual with EMS, but whatever was wrong they wanted to fix and urged she speak with Chief Dupont. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Anna Cortez, 6215 Bellwood #389, Houston, Texas 77036 (713-270-9299) appeared and stated that she lived at 6215 Bellwood, the Hamilton Park Apartments, this year they had much crime, every single day; that they were even being attacked in the daytime and they were not being heard by the Police Department because they always sent police who spoke no Spanish; that 95% of the residents spoke no English and some words she could not say in English when she was being told what to say; that the problem was when they called police they did not show up or they made a u-turn around the curb and many times did not get out or even come on the property; that last week they had three assaults in one day and they had guns and knives and they did not know how to defend themselves, but sometimes it takes hours for response. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Ms. Cortez stated that the apartments were located at Bellaire and Ranchester on Bellwood; that their problem was she felt she would get in trouble for reporting this because the landlord listened to his own people and she told him why did he pay attention to his own people, Vietnamese and Chinese, and not Hispanic, every time they wanted something fixed he charged them; that last time she went to the emergency room six times because she could not turn on the air conditioner; that he fixed her carpet but raised her rent \$20.00 a month and she was on fixed income; that when his people came they were given new appliances, carpet, etc., even burglar bars and he said they paid for burglar bars, but he even charged them for light bulbs and filters. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that it appeared they had two issues, crime and Lieutenant Gallier was present to speak with her and also problems with her landlord and housing; and Council Member Noriega stated that she would like her to speak with the representative present with HPD and maybe contact her district Council Member to discuss landlord specifics, etc., and Lieutenant Gallier was present and Georgia Lewis her staff member would go over with her. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Cortez stated that she paid full price; and Council Member Jones stated that there were certain remedies and the NAACP did landlord/tenant things and she might also call the Houston Lawyers Association, the Texas Property Code defined a relationship between landlord and tenant and what obligations, responsibilities, etc., there was. Mayor White, Council Members Lawrence, Johnson,

Clutterbuck, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Vasquez with Citizens Assistance was also present to speak with her. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Blanca Gallegos, 9215 Bellwood #309, Houston, Texas 77036 (832-881-9440) appeared with a translator and stated that basically Ms. Gallegos was present echoing the same concerns as Ms. Cortez; that she lived at 6300 Ranchester Drive at the Hamilton Apartments and the concern was the crime had increased tremendously since the last owner acquired the property; that people would hit you with fists, bats, bottles and when HPD came there was a lack of language barrier and could not communicate with the victim so police asked for social security cards or licenses at the moment when the person was beat-up or bleeding and the officer left and they were frustrated as nothing was taken care of; that she lived there 10 years with no assistance, paid \$425.00 for a one bedroom and they had security, but felt security was in with the owner and maybe they were terrorizing residents to make them leave, but crime was abundant and very dangerous; that she worked as security in another complex and she would try and describe to property owners what went on in other areas, but he quickly dismissed her and they were trying to get Council's attention and maybe get Neighborhood Protection or HPD or someone to pay attention before there was a death, they came forward, but were scared they would be retaliated against. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. Gallegos for coming and stated that they should continue to report crime, they could look up calls for service to that address and in the new apartment ordinance there were some remedies, but crime had to be called in; that they would request the command staff look into assigning someone who was a Spanish speaking officer and as for the condition of the apartment they could send inspectors of Code Enforcement to make sure they were safe conditions. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that Mr. Doug Anders was coming down from Multi Family Inspection to speak with her about this and they could find someone who spoke Spanish and get inspections done; that it took courage to come and address this. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Gonzales stated that maybe they could contact the nearest storefront and speak to a sergeant or supervisor and let them know the difficulty they were having and then they could be aware with calls to those apartments. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Ruby Adams, 3906 Woodmount Drive, Houston, Texas 77045 (713-721-2152) appeared and stated that she lived in District D and her concern was a tax situation, the system was broken, she had a piece of property in Ft. Bend County and she understood she should have paid Harris County taxes on it also since 2001; that in December 2008 she received a letter stating she owned Harris County taxes, \$6,000.00 including penalties and interest, she never received a bill or tax statement and paid taxes in Ft. Bend from 2001 until now; that she was told there were many situations like that and the system was being repaired; that she tried

to contact her Council Member but received no response and today had to come for assistance, she could not pay penalties and interest and she never received notice; that when she closed on her house she was not told there were two entities for taxes; that she needed help. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Adams for coming and stated that her staff member had been trying to contact her; that today someone was present, Mr. David Seckel, to speak with her and she was told by Harris County she could have a payment plan; and she would share a phone number with her off record concerning her tax bill if she would like. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that property was either in one county or the other and she would suggest she get a lawyer as the city could not make the county do anything. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. O. B. Brown, 1415 Cushing, Houston, Texas 77019 (713-759-1432) appeared, displayed pictures and stated that today he was present as a fire burned their church in June, it destroyed the building and officers called the American Fence Company to fence it in, but while they waited for the fire to subside Neighborhood Protection had a bulldozer already there; that they told them they contacted American Fence to come fence it in, but the fence company was not there, they were in route and they told them, but he was not interested and said they did not have time to wait for them and they would tear the building down and proceeded to do so. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Rodriguez, Mr. Brown stated that he wanted to know if anyone was getting commission for tearing down the building, he did not even have opportunity and was charged \$8,100.00 for a 21 foot building 8 feet tall, two walls; and Council Member Rodriguez stated that it sounded as if it was a dangerous demolition and fire ordered; and Council Member Noriega stated that if it was a dangerous demolition ..; that he could visit with Citizens Assistance and then those who just stepped out of the room would be back in and speak with him; and Council Member Rodriguez stated that as his District Council Member he would get with Captain Holloway over Fourth Ward and see if they were investigating and increase patrol. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Jones stated she would like to know from the Administration what the city policy was on a fire; that she saw a lot of burned buildings and not demolished and she would like to know why they would not let the owner handle it. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Lonnie House, 1109 Wilson, Houston, Texas 77019 (832-618-3246) appeared and stated that the building Mr. Brown spoke of was at 1303 Andrews and had been there over 83 years, it was a 40 x 21 building and his question was how did Neighborhood Protection have so much authority and so quick; that the fire was estimated to have started about 4:30 a.m. and by 8:00 a.m. it was no more; that after meeting with departments they were told there should not be a charge as all they did was knock it down, not haul it away; that they paid for that separate;

that he wanted to know why they had to pay \$8,000.00 for a job already contracted by someone and not completely done, they paid \$3,500.00 to have it hauled off. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated to the Administration that contracts were in place for potential hurricanes or natural disasters and maybe they could have contracts in place to help nonprofits or religious entities in case they had a disaster so that if the city ordered emergency demolition they would not be gouged and would like to work with Mr. House on it and the upcoming Administration and maybe Council Member Noriega's committee; and Council Member Noriega stated that it was a good thought; and they could examine what happened and see what was decided and why; and the police representative was back in the room, she was not sure if the fire representative was but they could get together. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Kevin Norman, no address given (281-780-4415) had reserved time to speak but was not present when his name was called. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was present to speak on storm drainage; that on his project he was required to put a detention pond in an area smaller than the Council Chamber; that he was required to speak with Mr. Mahamad and he would not return his call; that someone referred him to someone who laughed at him and said the property was too small for a detention pond and it was in front of a church, the setback line 25x60, that Council Member Johnson's office said to him every time he did not get his plans approved the way he wanted he came to Council, but he wanted to be treated fair; that a gas station had much more property and did not have a detention pond; that he was even accused of writing his own permits by inspectors who were now fired, they had been power struck, they gave tickets, but those tickets were dismissed. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that Mr. Gary Drabek was present with Public Works and would be happy to meet with him; that there was question about his plans; and they would see if it could be straightened out. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (292-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Ms. Mary Kay Nafaa, 7711 North Hunters Creekway, Houston, Texas 77055 (713-856-9260) appeared, presented information and stated that she and her husband owned property and businesses at 2003 and 2006 Lexington between South Shepherd and Hazard; that their issue was the homeowner president and his wife with signatures were trying to pass two ordinances which would affect their businesses harshly, it was special building line requirements with a 23 feet setback and special minimum lot size; that their building had no setback and was at the sidewalk and it span two properties; that their building would be

grandfathered, but it would not protect them if it was destroyed by natural disaster or if it needed refurbishing; that their block was mixed use since 59 was built; that they had two restaurants and purchased the lot next door at an inflated price because she knew they needed parking; that she hoped the ordinances did not pass, but if they did the Planning Commission and Ms. Adams office tried to address and be sensitive to their issues. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Nafaa for coming and stated that they had met in her office and Ms. Gafrick and her department did a lot to help with the issue; that she wanted to thank the Planning Commission for considering her standing and they were making the 75% change to help protect her business; and upon questions, Ms. Nafaa stated that she appreciated Council Member Adams and the Planning Commission tremendously, they showed great sensitivity and she understood their positions, but as business owners with commercial property they would prefer this not to happen, but she would have to accept it. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that Ms. Suzy Hartgrove with the Planning Department was present and could give her an update if she wanted. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Tony Morris, 2400 South Loop West #515, Houston, Texas 77054 (832-785-4855) appeared and stated that the past six years was an extraordinary journey; that no one had mentioned this extraordinary election of Annise Parker; that Ronald Green would be the first African American as City Controller and that too was extraordinary and Annise Parker was brought to the table a vast array of understanding and knowledge; and commended all on Council who had made the process possible. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Donald Burns, 2016 Main #2301, Houston, Texas 77002 (713-882-0307) appeared and stated that this was his fourth time present, he had filed complaints with Legal on deed restrictions in Shamrock Manner and he wanted his Council Member to know they were conned, the facts were present, it was \$10,000.00 worth of legal work, he came in June of 2000 and asked Council Member Boney for no parking signs where he was litigated and they put the trailer park out of business, still 8 manhole covers gone and even Council Members at Large could have corrected it, but it's been 5 years. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present for the Willow Run Community, two stolen approved projects, one paid for, parkland, 26.82 acres; that they turned in signatures of support for the parkland to be turned into a YMCA. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (no phone number given) appeared and stated that he was requesting more time to speak; that he was the president of the U. S.; and continued expressing his personal opinions until his time expired. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan,

Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Pastor Keith Williams, 6002 Antoine, Houston, Texas 77091 (713-951-1517) appeared and stated that he was present last week to discuss the Hurricane Ike block grant and was following up today; that tomorrow there would be discussion on whether the grant should go further and there should be a different way to handle it; that it totally skipped committee process and there was total lack of trust in the area. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Jones stated that it did not go through committee, the city received \$87 million in Hurricane Ike disaster funding for the express purpose of repairing Hurricane Ike damage and she saw many blue roofs around; that she had questions and speaking with HUD on whether they could use that money to repair apartments which were dilapidated because the purpose was actually for Ike repairs; that HUD would not stop work before it was done, but they came back to monitor and if not in compliance they had to send money back. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she grew up in the area and he was correct there was a lot of need there and they would check and make sure he was informed. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Gregory Franks, 4012 Knottynold, Houston, Texas 77053 (281-635-0507) had reserved time to speak but was not present when his name was called. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

At 4:38 p.m. City Council recessed until 9:00 a.m., Wednesday, December 16, 2009. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 16, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Agenda Office, present.

At 8:17 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:49 Mayor White called the meeting to order and stated that the first order of business were two public hearings. Council Members Johnson, Adams, Sullivan, Brown, Green and Jones absent.

HEARINGS - 9:00 A. M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for 8880 Bellaire, L.P. for the site located at 8880 Bellaire Blvd. – was called. Council Members Johnson, Adams, Sullivan, Brown, Green and Jones absent.

The City Secretary stated that no speakers had reserved time for either one of the hearings. Council Members Johnson, Adams, Sullivan, Brown, Green and Jones absent.

Ms. Carol Ellinger Haddock, Senior Assistant Director of Public Works and Engineering, stated that as they may recall, the Texas legislature authorized Municipal Setting Designations six years ago, that an MSD designated a particular parcel, beneath which contaminated groundwater was prohibited from use as potable water, that the State law was administered by the Texas Commission on Environmental Quality, that MSDs were intended to encourage redevelopment of vacant or abandoned property while protecting the public health, that she was present today because, although the TCEQ was the agency that issued an MSD, participation in the State program required local support, that today they were holding two public hearings, the first one was for an application submitted by 8880 Bellaire, L.P. for three acres of land located at 8880 Bellaire Boulevard, that the site consisted of about approximately three acres of land located west of downtown, that Golden Fleetwood Dry Cleaners historically operated in tenant space within the Bellaire Boulevard Retail Center from 1983 to 2001, that site investigations identified groundwater contamination in two soil source areas, excavation of the soil was completed in 2001, that groundwater remediation was started in 2001 and sampling results from February 1999 to August 2009 indicated that the area of impact had reduced substantially over time, however contaminants of concern still existed in ground water that exceeded human ingestion protection levels, that today's public hearing was a required step in the MSD process, that on October 17, 2009 written notices were mailed as required and then Public Works hosted a public meeting on November 16, 2009 at the Tracey Gee Community Center, that based on information to date her director had requested this public hearing, that the director had also requested that at the conclusion of this hearing Council adopt an ordinance to support this MSD application, that the ordinance included all of the elements required by State Law and Chapter 47 of the Code. Council Members Johnson, Adams, Sullivan, Green and Jones absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan, Green and Jones absent. MOTION 2009-0901 ADOPTED.

- 1a. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath a tract of land containing 3.362 acres commonly known as 8880 Bellaire Boulevard, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing for severability - **DISTRICT F – KHAN** - was presented. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan and Green absent. ORDINANCE 2009-1299 ADOPTED.
2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for SRS Shopping Center, Ltd. for the site located at 13100 block of Memorial Drive – was presented. Council Members Johnson, Adams, Sullivan and Green absent.

Ms. Carol Ellinger Haddock, Senior Assistant Director of Public Works and Engineering, stated that this was the second of two public hearings, that an MSD designated a particular parcel, beneath which contaminated groundwater was prohibited from use as potable water, that the State law was administered by TCEQ, Texas Commission on Environmental Quality, and required local support, that the public hearing was for an application submitted by SRS Shopping Center, Ltd., for 8 acres of land located in the 13101 Block of Memorial Drive, that the Rummel Creek Center had two dry cleaning tenants who operated from 1972 to 1977 and 1986 to 1997, that the West Office Plaza currently had a dry cleaning tenant that had been in

operation since 1984 but ceased using the contaminant concern in 2001, that the extent of groundwater impact had been delineated and investigations confirm that the impacted groundwater had migrated off site and that there was no off site source contributing to this contamination, that groundwater results from 1998 to 2008 indicated that the area of impact had been significantly reduced over time, however contaminants of concern still existed in ground water that exceeded human ingestion protection levels, that today's public hearing was a required step in the MSD process, that on October 20, 2009 written notices were mailed as required and then Public Works hosted a public meeting on November 19, 2009 at the Spring Branch Community Center, that based on information to date her director had requested this public hearing, that the director had also requested that at the conclusion of this hearing Council adopt an ordinance to support this MSD application, that the ordinance included all of the elements required by State Law and Chapter 47 of the Code. Council Members Johnson, Adams, Sullivan, Green and Jones absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan and Green absent. MOTION 2009-0902 ADOPTED.

- 2a. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath a tract of land containing 5.984 acres commonly known as 13100 Memorial Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing for severability - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan and Green absent. ORDINANCE 2009-1300 ADOPTED.

MAYOR'S REPORT

Mayor White stated that there would be a brief Mayor's Report and he would take some liberty in talking about an issue of public policy which he thought of importance which transcended any particular issue, that it would be a note of pride in which he would tell them that he had been so impressed, by and large, with the actions of this body and the attitude of the Council Members who had set a standard for what he called reality based public service, the fact that everybody was entitled to their own opinions, they respected the diversity of opinions and the diverse community, but not everybody was entitled to their own facts, that he thought an illustration of the advantages of reality based politics and for people who worked and talked with each other than about each other with the incident yesterday where they had an official, he guessed an unelected official, but in an elected office, who appeared before them on a matter, that the first he had heard of the matter, an issue about whether or not something had been executed, was yesterday, and just to review the bidding on that the City of Houston for many years had had a contract with Harris County to do tax collections through Mr. Bettencourt, who frequently would call him or he would call him, Mr. Bettencourt, to solve issues, that they did not always agree with everything, as they would recall, but they always talked to each other, that they had that agreement, that there was an appeal made to him by the Tax Assessor Collector to change the amount of money they paid, to increase the amount of money they paid for that service even though they had a contract that was of a long term, that he had overridden the advice of staff, basically that it would set a bad precedent to begin unilaterally change the price, increasing the price, they paid vendors for anything because as he said at the time he over read that staff decision that it was their policy under his administration to try to accommodate the County whenever the County requested things just as they expected the County to do with them, that he could not think of a single occasion when a County elected official had called him in which they had not responded promptly and favorably, that this was from dog parks to acquiring land for the Harris County Hospital District to issues involving Metro to emergency matters to funding studies out of City funds that could not get through Commissioners Court, that every case he had tried to accommodate County officials, then apparently the City

Attorney's office, for good reason, had some questions because he pushed this through, to make sure to avoid setting bad precedent that there be something in the files showing some consideration or value and the fact that there was at the time, and there was a meeting with their staffs on this issue on October 14, 2009, where they discussed the fact that he had done an agreement and that they were also implementing a program that the County had agreed to do, that as he said it was not at his direction it was the City Attorney's office trying to make sure that they had in the files some precedent showing some of the benefits received by the City, that he would note to them that the County passed the interlocal agreement last week, that he thought it was to authorize a signature by the County, that he intended to execute it and sign and had never indicated otherwise, but if people would call each other and talk to each other then they were more likely to get things done than if they issued press releases and statements, that he thought they may have some other items on the agenda today that harked back to the theme of everybody being entitled to their own opinion, but not everybody was entitled to their own facts and thought that the taxpayers of the community would appreciate people who distinguish between politics and government. Council Member Green absent.

Council Member Clutterbuck stated that the situation yesterday brought up an issue that for her was something that they needed to look at and that was the policy and procedures that they at the City follow, if Council and the Mayor had passed something and the City Secretary processes it, but somehow this one got pulled by the City Legal Department, that she would want them to avoid setting that as a habit in the future or a pattern in the future, that if something was wrong with the contract and consideration was not appropriate in the contract then it should not have come to them at City Council, in her opinion, or the City Legal Department should have notified them in writing if and when that would happen, that was the point at which the contract would be signed, that there was to her a problem if a department could pull something that this body had voted on without notifying them. Council Members Brown and Green absent.

Mayor White stated that he understood her point, that they had seen it in open Council and many of them had seen it in private meetings where he gives the City Legal Department a hard time for the delays, that in this circumstance there were certain special circumstances and this was the irony of the situation in as much as he exercised the prerogatives of a strong Mayor form of government by having this drafted and put on the Council agenda in very short order, that his motives were good in part to accommodate a request by a Council Member concerning expedited treatment and in part based upon his understanding, that what he articulated at the time was that the County had agreed to do certain things that did not involve additional consideration for the County and that should stand as consideration for this, that was the discussion and that was what the circumstance was, that the County was doing certain things and the City was doing certain things so they should get it through, but he got her point, this was an unusual circumstance where he guessed they would say the Legal Department was trying to be careful and prudent and avoid setting bad precedent, but because of the unusual circumstances and the irony was because he sort of bent some of their procedures and rules to try to accommodate the County, but he understood her point and they would take a look at that, and Council Member Clutterbuck stated that it was her understanding that the contract with the County was still in effect and did not expire until next March and Mayor White stated that was correct and was one reason why he thought in all fairness, and he was not saying it in criticism of him, but the City Attorney's office should be vigilant and it was separate and apart from the Mayor or the City Council or any particular Council Member, that was one of the circumstances which made it so unusual, that the same thing if they had a unilateral increase in the price they paid to any vendor for any contract and for some reason, and they could see why the City Attorney's office would be vigilant because it was not good public policy normally to increase the price they paid for a contract where somebody was obligated to do it any way, that was usually not good reason, and it was only because of his desire and his understanding that the County was undertaking certain things parallel that they did that, that in any event a phone call would

have resolved it, that was his point if they shared information with people they could move on. Council Members Brown and Green absent.

Mayor White stated that Ms. Stein had reminded him that for two weeks he had intended to address the very important public policy for the sake of their community needs to get the CDBG funds they received in connection with Ike expended and expended promptly in accordance with the plans they submitted to the State which were approved by the City Council and that they had been working on because he believed, and he had talked to the Secretary of HUD last week, that those communities that act quickly in order to deploy funds for CDBG Ike relief could get allocated more funds in the future. Council Member Brown absent.

Council Member Lovell stated that they had been really successful since Darren Hall had come on and had done a wonderful job of coordinating things along with Ann Travis, but they had been able to go in and thought they had \$100 million in the pipeline to build multi family and do rehab apartments, that they went yesterday and fought for and got another \$80 million to come to the City to do that, that some of it was because their strategy was just to wait and see what the other Counties could not spend and when it came back up for reallocation they were ready to go because they had taken their money, spent it and done their projects and demonstrated that there would be no delay in taking the money and spending it, so it was really very important and she wanted to commend Richard Celli and Donald Samply for taking that money, having their plans ready, spending it so that they could go back and get a second round of funding even before some of the other Counties had even spent their first round of funding, so this money was extremely important and track records would be watched and they had an excellent one and she would hate to do anything to damage that reputation and track record, plus the fact that it was extremely important to their City and was very important to continue to have multi family dwellings, that also they had about 88,000 homes in the City that still had roof damage, of which if they did anything to hinder their ability to get that funding they would not be able to go back and acquire that money to go fix some of those roofs, that she wanted to compliment Council Members Clutterbuck and Rodriguez and Council Member Sullivan and herself, who were the alternates, and she wanted to compliment the Housing Department for what they had done and she wanted to say thank you to Darren Hall and Ann Travis for having this very organized and also to Buddy Grantham who had been spectacular in going into these meetings and figuring out the formula and how they could get these funds.

Council Member Adams moved to suspend the rules to consider Item Numbers 24, 25, 33 and 35 out of order after the consent agenda and all the appointments, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0903 ADOPTED.

Council Member Noriega moved to suspend the rules to consider Item Number 42 after Council Members Adams items and in the same place, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0904 ADOPTED.

CONSENT AGENDA NUMBERS 3 through 77

MISCELLANEOUS - NUMBERS 5 through 11

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BAYBROOK MANAGEMENT DISTRICT BOARD OF DIRECTORS**:

Position One - **MR. BRIAN SCHROEDER**, appointment, for a term to expire 6/1/2013
Position Two - **MR. DOUG LITTLE**, appointment, for a term to expire 6/1/2013
Position Three - **MR. GENE SATERN**, reappointment, for a term to expire 6/1/2013
Position Four - **MR. MARK L. HARDY**, appointment, for a term to expire 6/1/2011
Position Five - **MR. JOHN L. COLE**, appointment, for a term to expire 6/1/2011

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0905 ADOPTED.

8. REQUEST from Mayor for confirmation of the appointment of **MR. DAVID P. MARTIN** to Position Three of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS** for an unexpired term ending August 31, 2010 - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0906 ADOPTED.

9. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **INTERNATIONAL MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2013:

- Position One - **MS. GLADYS BRUMFIELD**, reappointment
- Position Two - **MR. FRED BHANDARA**, reappointment
- Position Three - **MS. KAREN LOPER**, reappointment
- Position Four - **MS. VU THANH THUY**, reappointment
- Position Five - **MR. ANTHONY LE**, appointment
- Position Six - **MR. SHAWN GUO**, reappointment

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0907 ADOPTED.

10. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **TOWER PERMIT COMMISSION**, for two year terms

- Position Two - **MR. RODNEY LOUIS JONES**
- Position Three - **MS. CHRISTY B. SMIDT**
- Position Four - **MR. ANTONIO M. SALINAS**
- Position Six - **MR. IGNACIO OSORIO**

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0908 ADOPTED.

11. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for New Kingwood Library - **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0909 ADOPTED.

Council Member Sullivan stated that he wanted to recognize one of his constituents who was in the audience and asked Mr. David Martin to stand and be recognized, that he was just approved for the Board of the Houston Sports Authority and thanked him for his willingness to do this.

ACCEPT WORK - NUMBERS 14 and 15

14. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$840,134.45 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Wheeler Park Underground Storage Tank Modifications and Cleanup 12.91% over the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0910 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,149,176.34 and acceptance of work on contract

with **INFRASTRUCTURE SERVICES, INC** for Kirby Drive Paving Improvements from IH-610 to Holmes Road - 5.13% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0911 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 16

16. **TDINDUSTRIES** for Chiller Replacement at the Wortham Theater Center for the Convention and Entertainment Facilities Department - \$217,705.00 and contingencies for a total amount not to exceed \$239,475.50 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0912 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 76

17. RESOLUTION approving and authorizing the submission of applications for Clean Water Act Section 319 (h) Grant Funding as long as the City's Cost Share (40% of the total cost) does not exceed \$400,000 - was presented. All voting aye. Nays none. Council Member Sullivan absent. RESOLUTION 2009-0037 ADOPTED.
20. ORDINANCE **AMENDING THE CODE OF ORDINANCES, BY ADDING A NEW ARTICLE VII TO CHAPTER 9** relating to Airport Hazard Area Regulations; establishing Airport Hazard Areas and Regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport, Ellington Airport, and within the city limits; adopting Official Airport Hazard Area Maps for land within the Airport Hazard Areas; providing for administration and enforcement; providing for Airport Hazard Area Permits and related matters; making findings and containing other provisions relating to the foregoing subject; providing for an effective date; providing for severability; containing a repealer - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1301 ADOPTED.
21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Cameron Street (Parcel SY9-049A), from Kirby Drive west to its terminus, and two adjacent sidewalk easements (Parcels SY9-049B and SY9-049C); vacating and abandoning said tracts to the following persons and entities: LG West Avenue Project LP; William T. Dickey Generation-Skipping Trust, Lynn Dickey Wiseheart Generation-Skipping Trust, Catherine Wiley Lippincott Generation-Skipping Trust, Thomas Merritt Lippincott Generation-Skipping Trust, William Matthew Dickey Generation-Skipping Trust, Laura Lynn Dickey Generation-Skipping Trust, William T. Dickey Trust, and Lynn Dickey Wiseheart Trust, all under the will of William M. Dickey; Dickey Realty Ltd.; Thomas M. Lippincott; William T. Dickey; and Lynn Dickey Wiseheart (Collectively, abutting owners) in consideration of the conveyance to the City of a 50-foot-wide utility easement (Parcel VY9-029), all parcels located in College Heights Addition and the College Heights Addition Partial Replat No. 1, A. C. Reynolds League, A-61, Houston, Harris County, Texas; and abutting owners' payment to the City of \$1,495,284.00 - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1302 ADOPTED.
22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (a) Hohl Street, from the west line of Lot 2, Block 2, east to its terminus (Parcel SY9-030A), and of (b-c) two (2) excess, fee-owned tracts of land (Parcels SY9-030B and SY9-030C), vacating and abandoning the said portion of Hohl Street, and

authorizing the sale of the two fee-owned tracts of land to MBI, Ltd., the abutting owner, in consideration of its conveyance to the City of (d) a full-width utility easement (Parcel VY9-027), (e) a 40-foot-wide storm sewer easement (Parcel LY9-030) and (f) right-of-way necessary for the construction of a cul-de-sac at the new terminus of Hohl Street (Parcel AY9-020) and the payment of \$43,043.00, and other consideration to the City; all six (6) parcels located in the E. O. Greiner Subdivision, out of the J. T. Harrell Survey, A-329, Houston, Harris County, Texas - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1303 ADOPTED.

23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three drainage easements (Parcels SY9-088A, SY9-088B and SY9-088C) being a portion of the Buxley Street Waste Water Treatment Plant, WCID #51, in the J. Bailey Survey, A-145; vacating and abandoning said easements to the Harris County Flood Control District, owner, in consideration of owner's payment to the City of \$14,228.00; approving two easement conveyances - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1304 ADOPTED.
26. ORDINANCE renaming Hermann Loop Drive, Golf Course Drive, and a small portion of Montrose Boulevard near Hermann Park to Hermann Park Drive - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1305 ADOPTED.
28. ORDINANCE approving and authorizing Amendment No. 2 to Lease Agreement between the City of Houston and **ELLINGTON PARTNERS, L.P.** for certain premises at Ellington Airport Revenue - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1306 ADOPTED.
30. ORDINANCE amending Ordinance No. 2008-1149 providing for an ad valorem tax exemption on a historical site located at 1524 Allston Street in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1307 ADOPTED.
31. ORDINANCE amending Ordinance No. 2008-1198 providing for an ad valorem tax exemption on a historical site located at 1132 Rutland Street in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1308 ADOPTED.
34. ORDINANCE approving and authorizing second amendment to Concession Agreement between the City of Houston and **HERMANN PARK CONSERVANCY** Approved by Ordinance No. 2002-418 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1309 ADOPTED.
37. ORDINANCE amending Ordinance Numbers 2007-1119, 2007-1288, 2008-0019, and 2008-0602 to increase the maximum contract amounts; approving and authorizing first amendments to various contracts for HIV/STD Services related to Health Education Risk Reduction, Counseling, Testing, and Referral Services, Routine, Opt-Out HIV Screening, and School Based Programs between the City and the following contractors: (1) **AIDS FOUNDATION HOUSTON, INC**, (2) **BEE BUSY LEARNING ACADEMY, INC**, (3) **CAREER & RECOVERY RESOURCES, INC**, (4) **HOUSTON AREA COMMUNITY**

SERVICES, INC, (5) LEGACY COMMUNITY HEALTH SERVICES, INC, (6) MONTROSE COUNSELING CENTER, (7) NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, INC - HOUSTON BRANCH, (8) POSITIVE EFFORTS, INC, (9) ST. HOPE FOUNDATION, (10) THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, (11) THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, and (12) YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON - 2 Years - \$5,997,178.50 - Grant Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1310 ADOPTED.

39. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON CLEAN CITY COMMISSION, INC. d/b/a KEEP HOUSTON BEAUTIFUL** for Volunteer Cleanup Services on Neighborhood Lots for the Houston Police Department; providing a maximum contract amount - 1 Year with two one-year options - \$450,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1311 ADOPTED.
40. ORDINANCE approving and authorizing agreement between the City of Houston and **PERFICIENT, INC** for 3-1-1 Houston Helpline Services for the Information Technology Department; providing a maximum contract amount - 1 Year with two one-year options \$2,250,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1312 ADOPTED.
43. ORDINANCE appropriating \$148,700.00 out of Fire Department Training Services Fund for Improvement Projects at the Val Jahnke Fire Training Academy – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1313 ADOPTED.
44. ORDINANCE de-appropriating \$1,716,709.00 from the Reimbursement of Equipment/Project Fund (as passed by Ordinance Nos. 2009-116, 2009-629, 2009-397); and appropriating \$1,716,709.00 from the Miscellaneous Capital Projects / Acquisitions CP Series E Fund **DISTRICTS D - ADAMS and I – RODRIGUEZ** – had been pulled from the agenda by the administration and would not be considered. Council Member Sullivan absent.
45. ORDINANCE appropriating \$348,600.00 out of Woodlands Regional Participation Fund and approving and authorizing the issuance of a purchase order to **T.F. HARPER & ASSOCIATES L.P.** for Improvements to Lake Houston Park - \$100,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1314 ADOPTED.
47. ORDINANCE appropriating \$140,000.00 out of Convention and Entertainment Construction Fund; approving and authorizing Professional Services contract between the City of Houston and **WISS, JANNEY, ELSTNER ASSOCIATES, INC** Jones Hall Cladding Assessment - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1315 ADOPTED.
49. ORDINANCE appropriating \$200,000.00 out of Solid Waste Consolidated Construction Fund, \$170,000.00 out of General Improvement Consolidated Construction Fund, \$400,000.00 out of Parks Consolidated Construction Fund, \$850,000.00 out of Public Library Consolidated Construction Fund, and \$1,455,000.00 out of Police Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of Various Facilities under the Job Order Contracts Program; awarding Job Order Contracts to **HALLMARK CBIC JOINT VENTURE** and **P^2MG LLC** and providing a maximum contract amount of \$10,000,000.00 for each contract; amending Ordinance No. 2007-0167

to increase the maximum contract amount for Job Order Contract with **WILLIAMS & THOMAS LP dba JAMAIL CONSTRUCTION AND RHJ-JOC, INC** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1316 ADOPTED.

50. ORDINANCE appropriating \$4,070,000.00 out of Reimbursement of Equipment/Projects Fund as an additional appropriation for the Central Permitting Center under an existing Construction Management At-Risk Contract with **MANHATTAN CONSTRUCTION COMPANY** (Approved by Ordinance No. 2009-0811); providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1317 ADOPTED.
52. ORDINANCE appropriating \$139,300.88 out of Public Health Consolidated Construction Fund, and \$200,000.00 out of Fire Consolidated Construction Fund as an additional appropriation for the purchase and installation of HVAC Equipment for the Department of Health and Human Services and the Houston Fire Department under an existing contract with **RDI MECHANICAL INC** (Approved by Ord. 09-0435) - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; F - KHAN; G - HOLM and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1318 ADOPTED.
53. ORDINANCE appropriating \$131,752.00 out of Water & Sewer System Consolidated Construction Fund and awarding construction contract to **INLAND ENVIRONMENTS, LTD** for Asbestos/Lead Abatement, Demolition and Disposal at Six Department of Public Works & Engineering Water Plants, 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 project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - SULLIVAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1319 ADOPTED.
54. ORDINANCE appropriating \$336,783.00 out of Parks Consolidated Construction Fund, awarding construction contract to **APACHE SERVICES, INC** for Eastwood and Cliff Tuttle Parks; 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 services, construction management, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1320 ADOPTED.
55. ORDINANCE awarding construction contract to **GULF COAST LANDSCAPE SERVICES, INC** for Robert C. Stuart Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, and contingencies relating to construction of facilities financed by the Texas Parks and Wildlife Department State-Grant Fund - \$327,972.00 - Grant Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1321 ADOPTED.

56. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath a 0.6885 tract of land commonly known as 3131 Argonne Avenue, and a portion of Branard Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1322 ADOPTED.
57. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath several tracts of land containing approximately 73.2104 acres, commonly known as 1400 Fulton Street, Houston, Harris County, Texas, including parts of the rights-of-way of North Main Street, Burnett Road, Leona Street, Elysian Street, Hardy Street, Maury Street, Conti Street, Maffitt Street, High Street, Chapman Street, Trenton Street, Daly Street, Naylor Street, McKee Street, Opelousas Street and Brooks Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1323 ADOPTED.
58. ORDINANCE consenting to the addition of 0.7283 acres of land to **CROSBY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1324 ADOPTED.
59. ORDINANCE consenting to the addition of 11.453 acres of land to **FORTBEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1325 ADOPTED.
60. ORDINANCE consenting to the addition of 20.640 acres of land to **FORTBEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1326 ADOPTED.
61. ORDINANCE consenting to the addition of 19.042 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1327 ADOPTED.
62. ORDINANCE consenting to the addition of 4.208 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1328 ADOPTED.
63. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 506** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1329 ADOPTED.
64. ORDINANCE consenting to the addition of 1.1135 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1330 ADOPTED.
65. ORDINANCE consenting to the addition of 21.244 acres of land to **WOODCREEK MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1331 ADOPTED.

67. ORDINANCE appropriating \$808,871.70 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVIL TECH ENGINEERING, INC** for Memorial Drive Paving Improvements from North Kirkwood Road To North Eldridge Parkway; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1332 ADOPTED.
68. ORDINANCE appropriating \$786,103.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for the East Water Purification Plant (EWPP) Process and Plant Reliability Improvements; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1333 ADOPTED.
69. ORDINANCE appropriating \$1,121,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AECOM USA, INC d/b/a AECOM USA GROUP, INC** for the East Water Purification Plant (EWPP) Facilities Rehabilitation and Improvements; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1334 ADOPTED.
71. ORDINANCE appropriating \$365,000.00 out of General Improvement Consolidated Construction Fund and approving and authorizing a second amendment to an Interlocal Agreement between the City of Houston and **HOUSTON PARKS BOARD, LGC** (Approved by Ordinance No. 2009-257) for the Mowery Road Extension East of future Kirby Drive - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1335 ADOPTED.
72. ORDINANCE appropriating \$3,700,200.00 out of Street & Bridge Consolidated Construction Fund and \$1,176,900.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **SOUTH COAST CONSTRUCTION, INC** for Construction of Kirby Drive from West Airport to Sims Bayou and Mowery Road from Edwina to future Kirby Drive; 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 and contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1336 ADOPTED.
73. ORDINANCE appropriating \$679,576.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PORTLAND UTILITIES CONSTRUCTION CO., LLC** for Wastewater Collection System Rehabilitation and Renewal; 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, 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 Sullivan absent. ORDINANCE 2009-1337 ADOPTED.

74. ORDINANCE appropriating \$377,483.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; 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, 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 Sullivan absent. ORDINANCE 2009-1338 ADOPTED.
75. ORDINANCE appropriating \$500,679.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; 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, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1339 ADOPTED.
76. ORDINANCE appropriating \$810,889.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal; 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, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-1340 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. CONFIRMATION of the reappointment to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS:**
 - Position 6 - **MR. GARY BAUMGARTNER**, for a term to expire 12/31/2011
 - Position 7 - **MR. J. DAVID ENLOE, JR.**, for a term to expire 12/31/2011
 - Position 8 - **MR. WALTER GOFF**, for a term to expire 12/31/2011
 - Position 9 - **MR. BILL HUTZ**, for a term to expire 12/31/2011, and Chair for a term to expire 12/31/2010

- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0913 ADOPTED.
4. CONFIRMATION of the appointment of the following individuals to the **HOUSTON READ COMMISSION** for three year staggered terms from the date of appointment:
 - Position 18- **MS. CARMEN NUNCIO**
 - Position 19- **MS. ADRIANA TAMEZ**

Position 20- **MR. LARRY MCKINZIE**
Position 21- **MS. MARTHA DANIEL**
Position 22- **MR. PHILIP FRAISSINET**

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0914 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE)**:

Position Three - **MS. MICHELE J. SABINO, Ph.D.**, for a term to expire 12/31/2011
Position Four - **MS. PAIGE M. MARTIN**, for a term to expire 12/31/2010

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0915 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **GREATER NORTHSIDE MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2013

Position Six - **MR. FRUMENCIO REYES, JR.**, reappointment
Position Seven - **MS. JEANETTE RASH**, reappointment
Position Eight - **MR. JEFF PROCELL**, appointment
Position Nine - **MR. EDWARD (ED) REYES**, reappointment
Position Ten - **MS. APRIL COHEN**, reappointment

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0916 ADOPTED.

Council Members Gonzales, Rodriguez, Noriega and Khan thanked the new appointees and thanked them for their service to the City of Houston. Council Member Sullivan absent.

24. ORDINANCE approving and authorizing agreement between the City of Houston and **REED PARQUE LIMITED PARTNERSHIP** to provide \$1,317,585.00 Performance-Based Loan of Federal "CDBG - DR" Funds for costs to repair and rehabilitate Reed Parque Townhomes, a 192 unit multi-family project located at 2725 Reed Road, Houston, Texas, of which 98 units will be restricted for a period of five years to CDBG standards all of which must be leased to tenants with 80% or less of the AMI at rents not to exceed high home rent restrictions - **DISTRICT D – ADAMS** – was presented. Council Members Lawrence and Sullivan absent.

After discussion by Council Members, Council Member Khan requested Mayor White to give them a brief as to what were some of the concerns that some Members may have raised and whether they were doing everything properly and in accordance with HUD's requirements, and Mayor White stated that he wanted to go through a few steps regarding the facts of what they had done to date, that shortly after the Ike disaster he testified in Congress and visited with individual Members of Congress, including those from well outside of Texas who were relevant committee chairs to get CDBG funding allocated for their community, that after that time there were funds that were appropriated and allocated and there was a hearing held in the City Council Annex, and wanted to thank Council Member Jones and others, who came over there and testified with him in support of the City's plan, which was very straightforward and was summarized in a letter to Mike Gerber on June 11, 2009, if they had it in front of them it

summarized what was done earlier in the year in their disaster relief, that he would also thank those who appeared before HGAC, where he personally made the same arguments, that on the top of page 2 and on this one their argument had been that the Federal and State authorities should act expeditiously because they were ready to act and were going to deploy the funds and wanted more and soon, that he wanted to say that Mr. Gerber in particular, and the staff at the State agency, he found to be very responsive, as well as HUD officials for that matter, that their plan consisted of giving a high priority to replacing single family and multi family housing stock left, that did not mean they would rebuild in place for a very good reason, and second, that the federal funds would be used to leverage private sector investment, and third, that they would use market mechanism, which was a way to say where people wanted to live to determine where the housing was rebuilt and fourth, they asked for appropriate waivers for HUD rules and regulations, that they did not require a parcel to be damaged in order to receive HUD funds, and he would tell them why, if they lost so much single family and multi family housing then people should be free to move where they wanted to move, that people who sustained single family damage on their housing programs if they were in low income were eligible for the Houston Hope Program and they did have sources of reimbursement from FEMA within FEMA rules and many of them, if their mortgages had not expired had access to funds from their private insurance, that what they wanted to do was use the laws of supply and demand to create more housing where housing had been lost in the community and neighborhoods which had been distressed before and after, that they prepared maps showing where the wind damage was concentrated, which happened to be disproportionately in some of their low income neighborhoods, particularly with renters, that was their argument and both HUD, in a conference call preceding the June 11 document, and the State agency agreed with that, that very specifically, as they would see on page 3, their Apartments to Standard Program was designed to focus on older complexes in need of rehabilitation to improve the quality of life for low income residents and improve the surrounding neighborhoods, that the CDBG funding should not be a windfall to particular landlords who decided that they were going to go without insurance, instead they should use objective criteria to try to identify where those apartment units would be brought, that he personally read the Federal Statute and reviewed it by telephone with various people, both at HUD and the Texas Department of Housing and Community Affairs, to please note the second bullet point on page 3, he had learned from the Katrina experience that it would be counter productive and not necessarily under Federal rules if they had both a tenant or a person moving into a single family residence to say that the person had to prove that they, as a person or individual, sustained damage from Ike, because then they would have to prove that they could not get FEMA reimbursement and they would not have the availability of private insurance, that increasing the stock of housing that was available that was damaged after Ike did benefit those people who sustained wind damage and everybody else, why was that, when they increase the supply of housing they increase the affordability of housing, that was why it was called the law of supply and demand, that for those reasons he would urge expeditious consideration of these particular matters and did believe that would assist them in securing additional HUD funds if they were able to deploy the funds expeditiously, and finally he would say that they did check in with HUD within the last two days and saw nothing that violated the HUD rules in the program that was voted on unanimously in April by City Council, that was why he was getting after the State in June to get the funds flowing, there were final rules and regulations in August and he was on it every week to get interlocal agreements signed by the State and now the funds were flowing with these appropriations.

Council Member Johnson moved to consider Item Numbers 81 and 82 out of order after Item No. 42, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Gonzalez absent. MOTION 2009-0917 ADOPTED.

A vote was called on Item No. 24. All voting aye. Nays none. ORDINANCE 2009-1341 ADOPTED.

25. ORDINANCE approving and authorizing agreement between the City of Houston and **REGENCY CROSSING, L.L.C.** to provide \$10,315,816.00 Performance-Based Loan of Federal "CDBG - DR" Funds for costs to repair and rehabilitate Catalina Apartments, a 432 unit multi-family apartment community located at 11555 and 11455 Bissonnet, Houston, Texas, of which 221 units will be restricted to CDBG standards all of which must be leased to tenants with 80% or less of the AMI at rents not to exceed high home rent restrictions - **DISTRICT F – KHAN** – was presented. All voting aye. Nays none. Council Member Gonzalez absent. ORDINANCE 2009-1342 ADOPTED.
33. ORDINANCE awarding Professional Services Agreement to **CRAIG T. MASON** for Pension related Consulting Services for the Finance Department; providing a maximum contract amount 3 Years - \$302,699.88 - General Fund - was presented. Council Member Gonzalez absent.

After discussion by Council Members a vote was called on Item No. 33. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2009-1343 ADOPTED.

35. ORDINANCE amending the agreements authorized by 1) Ordinances 2006-196, 2006-1145 relating to health care and dental insurance benefits for City employees, retirees, deferred retirees, survivors and certain dependents, and 2) Ordinance 2009-1107 relating to various Medicare Health Plans for City retirees and their dependents; amending various plans and agreements regarding health care, dental insurance benefits and Medicare Health Plans for the respective aforementioned beneficiaries – was presented.

Council Member Adams moved to refer Item No. 35 back to the administration and stated that she just found out that they had a meeting yesterday in the Health Committee, that there were several questions that some of the representatives had concerning the item, that they did not know how much it was going to cost the retirees, that it was understood in this ordinance that if they were an employee that had retired and had been at the City of Houston less than 9 years that they would be responsible for paying 100% of their premium, that she wanted the item to go back to the Health Committee so that some of the questions could be answered.

After further discussion Mayor White stated that his preference was to tag the item rather than refer back and Council Member Lovell stated that she would tag Item No. 35.

After further discussion Mr. Anthony Hall stated that he could appreciate the concerns that had been expressed and would say what the item does, that it did primarily three things, that the first had been actually requested by a number of retirees, currently under their system there was only a one time opportunity to waive health coverage when they retire, in other words if they ever drop it they were out forever, there was nothing that they could do to ever get back in the system, that on a number of occasions they actually asked the Mayor to consider changing it, that had been the case since forever he thought, that the first thing that this did was to allow that, what it did was allow an employee, under the same rules for active employees during the same time period so that they would not be able to opt out one month and back in the next month, they would have enrollment and have to come in in the regular enrollment periods like they did and as they knew they could not change their coverage unless their status changed, having a baby or getting married or such business as that, that they would observe those same rules, but this was requested by the retirees that they be allowed to leave the system, that it was precipitated by some very live examples, that they had in Fort Bend County a retired Houston Police Officer who had been an elected full time County official but had been paying the City premium the whole time because, when he retires or was not elected to that job, he wanted to be able to have coverage, that was a live active example of what was attempted to be addressed, that the City was also paying a premium, considerably more than an employee

would, that the second issues were designed to try and pull down what was the 8% renewal increase on the City's insurance premiums and they were very specific, that in the RCA, if they would turn to the second page under Plan Design, Number 2, listed the very specific increases in the office visit and in the co-pays, one of them was from \$20 to \$25, the other was from \$45 to \$50, that secondly for prescriptions it would change the three categories in the following fashion, first for the regular/generic drugs, none at all, that it would change the second tier by \$5 and if they wanted the name brand drugs, the third category in their drug program, it would change that from \$45 to \$50, that on the mail order it would change only the second and third tiers by \$10, that those costs were very specific and they would be approving those and nobody would have authority to change those from that if they approved them, that was what it would do, that those were very fixed and specific, so at the most \$10 in one instance and \$5 in the other, that they could see what the impact of both of those were on the 8% increase in the premium that obviously they would have to appropriate if that did not happen; that thirdly going forward, and he would try to explain the situation, the Mayor had long been aggravated that they had people who would come to work for the City when they were in a more advanced age and under the City's rules they could essentially work for just five years and potentially retire after that and the City was then responsible for paying an enormous amount for their retirement, in fact there were those who believed that people did it just for that purpose, that this would say that how much the City supplements their retirement pay would be a fact of how long they worked for the City, so if they came and worked for less than 10 years, and it did not immediately affect anybody immediately at all, it would kick in 2020, that was when the first effect of this would be felt, but if they worked for less than 10 years and retired then they would pay 100% of the premium, and importantly they could have it, they would not deny them the right to have it, it was really a question of who pays for it, that they would pay 100%, they could see in the schedule that it went down then in increments from 10 years to 14 years, 15 years to 20 years, with the City paying an increasing amount the longer they work for the City so that if in fact they got to regular retirement age or retirement eligibility for full retirement they would pay about what they paid right now, that would not change for them, that those were very specific, there was nothing left to calculate so there were no numbers that were not revealed on the RCA about what they were, what the increased payments were and what the changes were, that to remind them the first one was requested by retirees. Council Members Gonzalez and Noriega absent.

After further discussion by Council Members, Council Member Adams stated that she would withdraw her motion to refer Item No. 35 back to the administration.

After further discussion Council Members Lovell, Holm and Rodriguez stated that they would tag Item No. 35. Council Member Gonzalez absent.

42. ORDINANCE awarding contract to **YAMAHA GOLF-CAR COMPANY** for Golf Cart Leasing Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,494,000.72 - General and Parks Special Revenue Funds – was presented, and tagged by Council Members Clutterbuck, Noriega and Jones. Council Member Gonzalez absent.

81. ORDINANCE approving and authorizing agreement between the City of Houston and **HOLLY VIEW APARTMENTS, LLC** to provide a \$8,020,000.00 Performance-Based Loan of Federal "CDBG-DR" Funds for hard costs to repair and rehabilitate Hollyview Apartments located at 5555 Holly View Drive, Houston, Texas, of which 166 units will be restricted as CDBG Affordable Floating Units for a period of five years for residents whose annual income does not exceed 80% of AMI at rents not to exceed high home rent limits - **DISTRICT B – JOHNSON – (This was Item 46 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Gonzalez absent.

Council Member Jones stated that she understood what they were trying to do, that there were a number of apartments in the City that were dilapidated and needed to be fixed and there was high crime in the quality of life, that those areas were not what they should be and she believed there was a problem with just the source of the funds for it, that if it was just to fix up Hurricane Ike damage she did not think there would be a problem with it but it was more encompassing than that, that for that reason she would be voting no, that she wanted the Council to know that this had been referred back to the State for further review. Council Members Holm and Rodriguez absent.

A vote was called on Item No. 81. Council Member Jones voting no, balance voting aye. Council Members Holm and Rodriguez absent. ORDINANCE 2009-1344 ADOPTED.

82. ORDINANCE approving and authorizing agreement between the City of Houston and **STERLING GROVE L.P.** to provide a \$11,943,067.00 Performance-Based Loan of Federal "CDBG-DR" Funds for hard costs to repair and rehabilitate Sterling Grove Apartments located at 6420 Antoine, Houston, Texas, of which 172 units will be restricted as CDBG Affordable Floating Units for a period of five years for families whose annual income does not exceed 80% of AMI at rents not to exceed high home rent limits - **DISTRICT B – JOHNSON – (This was Item 47 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBER JONES)** - was presented. Council Members Holm and Rodriguez absent.

Council Member Jones stated that this was the same argument and would say specially to the owner of the apartment complex that there were currently 7 outstanding HUD findings against the owner of the complex, specifically for another project that this owner had with the City where they actually gave the owner more money than the owner asked for and there again was a serious concern, that again she would not tag it or delay it but would be voting no on the item. Council Members Holm and Rodriguez absent.

A vote was called on Item No. 81. Council Member Jones voting no, balance voting aye. Council Members Holm and Rodriguez absent. ORDINANCE 2009-1345 ADOPTED.

12. RECOMMENDATION from Mayor's Office of Government Affairs for renewal of Annual Membership in the **HOUSTON-GALVESTON AREA COUNCIL** - \$78,145.24 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. Council Member Holm absent.

After discussion by Council Members, a vote was called on Item No. 12. All voting aye. Nays none. MOTION 2009-0918 ADOPTED.

ACCEPT WORK

13. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$17,693,416.00 and acceptance of work on contract with **3D/INTERNATIONAL, INC** for Jesse H. Jones Central Library Renovation, Carnegie Regional Branch Library Renovation and Marston Administration Building - 18.21% over the original contract amount - **DISTRICTS H - GONZALEZ and I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. MOTION 2009-0919 ADOPTED.

RESOLUTIONS AND ORDINANCES

18. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Metal Recyclers and Secondhand Metal Dealers; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2009-1346 ADOPTED.
19. ORDINANCE **AMENDING SECTIONS 8-117 and 8-128 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Auto Wreckers; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2009-1347 ADOPTED.
27. ORDINANCE changing the name of Southmore with its varying suffixes to Southmore Boulevard **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2009-1348 ADOPTED.
29. ORDINANCE approving and authorizing Amendment No. 3 to Engagement Letter between the City of Houston and **ZUCKERT, SCOTT & RASENBERGER, L.L.P.** for provision of Specialized Legal Services for Houston Airport System; providing a maximum contract amount - 3 Years \$2,100,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1349 ADOPTED.
32. ORDINANCE authorizing collection of an early additional penalty on delinquent personal property taxes to defray costs of collection as provided under §33.11 of the Texas Tax Code; approving and authorizing first amendment to contract between the City and **LINEBARGER GOGGAN BLAIR & SAMPSON, LLP** for the Collection of Delinquent Ad Valorem Taxes for the City of Houston. Texas to provide for the collection of an early additional penalty on delinquent personal property tax under Section 33.11 of the Texas Tax Code - Revenue – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1350 ADOPTED.
36. ORDINANCE establishing a Single Non-Profit Trust to allow the City of Houston to be exempt from insurance premium taxes under Section 222.002(C)(5) of the Texas Insurance Code; establishing the “City of Houston, Texas Single Non-Profit Trust Fund” to receive and disburse payments relative to premiums for Employee Group Health and Life Insurance; appointing the Mayor as Trustee and the Human Resources Director as Plan Administrator of the Trust; approving and authorizing a Single Non-Profit Trust Fund Agreement between the City and the Mayor as Trustee; authorizing the Mayor to take such related actions as are necessary to secure the premium tax exemptions – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1351 ADOPTED.
38. ORDINANCE appropriating any and all funds contributed to and received into the Contractors’ Responsibility Fund (Established by Ordinance No. 2007-0931 for the purpose of defraying the costs of health benefits to small employers who were previously uninsured) through the end of Fiscal Year 2010; approving and authorizing contract with **TEXHEALTH HARRIS COUNTY 3-SHARE, INC** to market and provide such benefits – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1352 ADOPTED.
41. ORDINANCE awarding contract to **MID-AMERICAN/E.R.S. JOINT VENTURE** for Elevators, Escalators, Wheelchair Lifts and Moving Sidewalk Systems Maintenance Services for the Houston Airport System; providing a maximum contract amount - 5 Years - \$26,425,722.00 Enterprise Fund - **DISTRICTS B - JOHNSON and I - SULLIVAN** – was

presented. All voting aye. Nays none. Council Member Clutterbuck absent.
ORDINANCE 2009-1353 ADOPTED.

46. ORDINANCE appropriating \$351,156.00 out of Public Health Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **JACKSON & RYAN ASSOCIATES, INC** for Bureau of Animal Regulation and Care (BARC) Facility Expansion/Renovation; providing funding for the Civic Art Program - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Holm. Council Member Clutterbuck absent.
48. ORDINANCE appropriating \$5,000,000.00 out of General Improvement Consolidated Construction Fund, \$1,375,000.00 out of Julia Ideson Library Contributions Fund, \$50,000.00 out of Public Library Consolidated Construction Fund; approving and authorizing second amendment to Construction Management-At-Risk Contract (Approved by Ordinance No. 2007-1471) between the City of Houston and **SPAWMAXWELL COMPANY, L.L.C.** for the Julia Ideson Building Restoration and Addition - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1354 ADOPTED.
51. ORDINANCE appropriating \$751,384.00 out of Public Health Consolidated Construction Fund; approving and authorizing Professional Architectural Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for Ann Slemmons Young Animal Center; providing funding for Civic Art Program - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Holm. Council Member Clutterbuck absent.
66. ORDINANCE authorizing the acquisition from Glenwood Cemetery, Inc of (a) Parcel AY9-461, consisting of 2,230 square feet of land in fee and (b) Parcel AY9-462, consisting of 3,097 square feet of land in fee, located between the south property line of Glenwood Cemetery and the North Bank of Buffalo Bayou, in exchange for the conveyance to Glenwood Cemetery, Inc, the abutting owner, of (c) Parcel SY9-093, consisting of 5,780 square feet of land in fee, located on the north side of Memorial Drive between Glenwood and Washington Cemeteries, all three (3) Parcels located in the John Austin Survey, A-1, Houston, Harris County, Texas, in connection with properties needed for Hike and Bike Trail Purposes - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1355 ADOPTED.
70. ORDINANCE appropriating \$330,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Rehabilitation of Water Storage Tanks at Various Locations (Approved by Ordinance No. 2009-242) - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; E - SULLIVAN; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1356 ADOPTED.
77. ORDINANCE appropriating \$577,492.00 out of Airport System Consolidated 2001 NONAMT Construction Fund and awarding construction contract to **R & B GROUP, INC** for Sanitary Sewer Lift Station Upgrade at Gate C-45 at George Bush Intercontinental Airport/Houston (Project 638); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1357 ADOPTED.

NON CONSENT AGENDA - NUMBER 78

MISCELLANEOUS

78. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Harcros Chemicals, Inc and Union Pacific Rail Road for the site located at 1701 and 1610 Oliver Street, Houston, Texas - **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - FEBRUARY 17, 2010** – was presented. Council Member Clutterbuck absent.

Council Member Khan moved to set Wednesday, February 17, 2010 for a hearing to consider a Municipal Setting Designation ordinance (MSD) for Harcros Chemicals, Inc and Union Pacific Rail Road for the site located at 1701 and 1610 Oliver Street, Houston, Texas, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0920 ADOPTED.

MATTERS HELD - NUMBERS 79 through 89

79. ORDINANCE appropriating \$17,547.04 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Vehicles for the Houston Police Department – **(This was Item 11 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1358 ADOPTED.

- 79a. RECOMMENDATION from Purchasing Agent to award to **PHILPOTT MOTORS, LTD.** for Purchase of Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Police Department - \$167,543.04 - Equipment Acquisition Consolidated Fund – **(This was Item 11a on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0921 ADOPTED.

80. RECOMMENDATION from Director Information Technology to approve spending authority for Purchase of Tech-Related Products/Services through the Texas Department of Information Resources (DIR) and the Master Intergovernmental Cooperative Purchasing Agreement for Various Departments to the DIR contract holders and U. S. Communities Lead Public Agency contractors as shown below:

DIR - \$75,000,000.00

GTSI CORP. - \$6,000,000.00

INSIGHT PUBLIC SECTOR, INC - \$1,000,000.00

SOLUTIONS4SURE.COM, INC d/b/a TECH DEPOT - \$1,000,000.00

- **(This was Item 15 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White and Council Members Clutterbuck and Holm absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0922 ADOPTED.

83. ORDINANCE approving and authorizing first amendment to contract for Latent Print Support Services between the City and **RON SMITH & ASSOCIATES, INC** to provide Management Services to the Houston Police Department's Identification Division;

providing a maximum contract amount - \$2,902,037.00 - General Fund – **(This was Item 51 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBERS LAWRENCE, JOHNSON, NORIEGA, JONES and GREEN)** – was presented. All voting aye. Nays none. Mayor White and Council Members Clutterbuck and Holm absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1359 ADOPTED.

84. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of General Services Department; providing a maximum contract amount - (\$116,932.92 Previously appropriated) – **(This was Item 52 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Mayor White and Council Members Clutterbuck and Holm absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1360 ADOPTED.
85. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the Houston Airport System; providing a maximum contract amount - (\$2,548,000.00 Previously appropriated) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – **(This was Item 53 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON and SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Mayor White and Council Members Clutterbuck and Holm absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1361 ADOPTED.
86. ORDINANCE approving and authorizing four contracts between the City of Houston and **PAYLESS INSULATION, INC, DIRECT ENERGY LP, STANDARD RENEWABLE ENERGY LP, and PMG PROJECT MANAGEMENT LLC** for the Residential Energy Efficiency Program (REEP); containing provisions relating to the subject; establishing a maximum contract price 3 Years - \$5,000,000.00 each - American Recovery & Reinvestment Act Funds – **(This was Item 55 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1362 ADOPTED.
87. ORDINANCE approving and authorizing Professional Residential Post Weatherization Home Inspection Contract between the City of Houston and the **NELROD COMPANY** for the Residential Energy Efficiency Program (REEP) - 3 Years - \$2,500,000.00 - American Recovery & Reinvestment Act Funds – **(This was Item 56 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBERS GREEN and KHAN)** – was presented. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1363 ADOPTED.
88. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston, Texas and **SIEMENS INDUSTRY, INC** for Negotiated Work Orders for Investment Grade Audit of various City Waste Water Treatment Facilities; preparing for compensation to be paid by the City - \$7,500,000.00 - Combined Utility System General Purpose Fund – **(This was Item 63 on Agenda of December 9, 2009, TAGGED BY COUNCIL MEMBERS JONES, LOVELL, LAWRENCE, JOHNSON, KHAN and GREEN)** – was presented.

After discussion by Council Members, Council Member Sullivan moved to hear from Mr. Issa Dadoush, Director, General Services, at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck and Holm absent. MOTION 2009-0923

ADOPTED.

Mayor White asked Mr. Dadoush if this item was for the energy service contractor and Mr. Dadoush stated yes, and Mayor White asked if then Siemens would select certain firms to the extent there were civil processing or power engineering needs available for construction bidding and they would use different firms for that and Mr. Dadoush stated yes, and Mayor White asked Mr. Dadoush if he had discussed with them the issue of using local firms for that and Mr. Dadoush stated yes, that they were very committed to using local firms, and Mayor White asked Mr. Dadoush if the construction contract would come back to the City Council for approval and Mr. Dadoush stated yes, and Mayor White stated that Siemens and others had an interest in getting the lowest possible bid from companies that they felt competent could perform and asked if that was how it was done with the Construction Management At Risk projects and Mr. Dadoush stated that was correct, that it was not only that, that Siemens would first of all identify opportunities and the City would have to approve those opportunities and the cost of the opportunities and they would look at the return of investment and then if they approve the opportunities they would move into a construction contract and then those contracts would be presented to the City Council for approval, that all opportunities that were identified would have to be reviewed by a third party organization, they would also review it for accuracy and to make sure that it was very competitive before they present it to the City Council, that there were actual construction contracts that would be approved; that if they approve this contract then the first thing Siemens would do was to identify opportunities within these waste water facilities where they could reduce their operation and maintenance costs and energy costs, then they would meet at alternate intervals, at 30%, 50%, 60% and 90% intervals, and would approve or disapprove some of these opportunities and once they agree on those opportunities and then believe it was beneficial to the City of Houston and that they would give them good return on their investment, reduce their operation and maintenance costs and reduce energy costs and energy usage then a construction contract would be put together with Siemens and presented before the City Council for approval, that it would have various subcontractors within the contract, that in talking to Siemens this morning and yesterday they were very committed to hiring local firms for both the design and construction as they present to the City Council for construction in the future. Council Members Clutterbuck and Holm absent.

Upon questions by Council Members, Mr. Dadoush stated that this contract had the potential construction estimate of almost \$400 million, that was for all of the potential opportunities that could be identified for the facilities, and Mayor White stated that the source of the funds would, ultimately would say, were the Water Sewer Enterprise Fund, except that the design was intended, that there would be none of these projects where the net savings would not be significantly in excess of the capital costs, that it was up to \$400 million and he believed it to be the case and was why it had taken some time, that there was some financing mechanism that was built into it so that the contractor was at risk for those savings to make the payments on the capital improvements, so that they would not be betting on the operating savings but in fact that the contractor would be at risk for that, that was the nature of this particular contract.

Upon further questions by Council Members, Mr. Dadoush stated that this was not a \$400 million contract, he wanted to make sure that everybody understood, this contract had a potential of construction projects up to \$400 million, if an opportunity was identified, for example Almeda Sims, and they go over there and see that they were going to build a CHP, Combined Heat and Power, opportunity and then look at the return investment and the return investment comes negative over 15 years then the answer would be that this was not an opportunity so Siemens would get zero, that they had an incentive, the return investment had to be positive, that it would reduce their operation and maintenance costs and was a good project, then it would be put as a construction project and presented before the City Council for approval, if they did not move forward with the construction project they would pay Siemens for the design

work, if they moved forward and it was a construction project then they were on the hook for the energy conservation measures that they had identified and the cost savings, and if they did not they were on the hook for that, that what made this process a best practice was because they were hiring an organization that was responsible for meeting the benchmarks that they had established. Council Member Holm absent.

After further discussion Mayor White stated that if the item passes he would direct the Department of Public Works and Mr. Dadoush and General Services to do a quarterly report so that Council Members could monitor it in detail as the work was done and make decisions accordingly. Council Member Holm absent.

A vote was called on Item No. 88. Council Members Johnson, Jones and Green voting no, balance voting aye. Council Member Holm absent. ORDINANCE 2009- ADOPTED.

89. ORDINANCE appropriating \$592,728.00 out of TIRZ Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **CFG TX GP, LLC** for reimbursement of costs for paving in Settegast - **DISTRICT B – JOHNSON** – **(This was Item 93 on Agenda of December 9, 2009, POSTPONED BY MOTION #2009-900)** – was presented. Council Member Holm absent.

Council Member Johnson offered the following written motion to amend Item No. 89 as follows:

“I move to amend Item 89 on December 16, 2009 Agenda by adding the following language:

Section 1. The City Council hereby appropriates the sum or sums of money set out in the title of this Ordinance, out of the respective fund or funds set out in such title for the purpose or purposes set out in such title, but such funds shall not be dispersed unless the City Council determines by majority vote that the following conditions have been met as determined by the fulfillment of the attached agreement:

- (a) the City has selected a bid for a road-paving construction contract consistent with the terms of the agreement referenced in the title of this Ordinance and awarded the construction contract to the selected bidder; and
- (b) City Council accepts the plans for residential development submitted by CFG TX GP, LLC described in the terms of the referenced agreement.

Council Member Johnson stated that this was an agreement that they were doing at a DPC to put in paved roads in an already platted subdivision, which he supported because they were always trying to get new development in District B, that the question was that they wanted to make sure that they were trying to get the right kind of development that he thought was necessary for the betterment of this area, in particular the district. Council Members Lawrence, Sullivan and Holm absent.

After further discussion a vote was called on Council Member Johnson's motion to amend Item No. 89. All voting aye. Nays none. Council Members Lawrence and Holm absent. MOTION 2009-0924 ADOPTED.

A vote was called on Item No. 89 as amended. All voting aye. Nays none. Council Members Lawrence and Holm absent. ORDINANCE 2009-0000 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Clutterbuck stated that this past weekend they had an election and she wanted to take the opportunity to thank all of the people who ran for office, all of the people who showed up to vote and to extend her sincere congratulations to those who won, that she wanted to congratulate Mayor Elect Annise Parker and Controller Ronald Green, that they looked forward to their leadership for the next two years; that she wanted to welcome the new Director of BARC, Mr. David Atencio, that she wanted to thank Mr. Alfred Moran, Director, Regulatory Affairs, for taking over that beleaguered institution and for delivering what had been requested for quite some time, that BARC had a lot of things to be proud of, not the least of which was the significant increase in live releases, that from June 2008 to November 2009 they had the most adoptions ever, 942 in just November alone, that to all of the people who worked at BARC and the volunteers she wanted to thank them for delivering to the City of Houston what they all had been desperate for for quite some time; that she participated with United Orthodox Synagogues and the Chabog Community Outreach to light the Menorah that was in City Hall for the celebration of Hanukah, that she wanted to wish everyone a joyous holiday celebration. Council Members Lawrence, Johnson, Holm, Rodriguez, Lovell and Jones absent.

Council Member Noriega stated that she wanted to echo her colleagues comments about welcoming their new colleagues on Council and congratulating all of the winners and admiring and respecting all of the folks that took the time, energy and pleasure to run for office; that she wanted to address an item that they talked about today, that earlier this week they had a public safety meeting that addressed scrap metal recycling, they had been tweaking the ordinance that was dealing with that, they had a terrible problem in the City with folks stealing copper out of air conditioners, taking metal from fences and different kind of things and they had been working very hard in making that harder to do because it was harder to sell the stolen items, that as part of that there were some very serious concerns about how they dealt with aluminum cans, they had trailers in the City of Houston where they collected cans and there were some of those that were fine and some of those where things went on that were not legal and it was their intent to clamp down on the situation where they had illegal activity going on, but as part of that it may be a little bit of a problem for just a little while as people brought their cans, if they did not have transportation and were used to taking cans to a trailer that was not going to work just exactly as it had in the past, but it was their intent to work on it and smooth it out so that they had trailers that were extensions of license scrap metal dealers so that it was possible for folks to recycle and bring in cans to make a little pocket change and not have these locations be fly by night opportunities for fencing stolen metal out of air conditioners from schools and churches, so if they would be patient they would get it right, they were aware that there were some concerns in the communities where people depended on that for extra money and she would suggest that if they had questions they were welcome to call her office or go back and look at the Council committee hearing for Public Safety for Monday and they would have a chance to visit about it again, that she felt very confident that they were going to get it to the point where people could do that without being able to sell things that they should not. Council Members Lawrence, Johnson, Holm, Rodriguez and Green absent.

Council Member Adams stated that she wanted to thank Texas Southern University and the 2009 graduating class, that on Saturday she was the commencement speaker for their graduation and she wanted to thank Dr. Rutley and Dr. Douglas and the Board of Regents for selecting her; that she wanted to thank HPD, the Southeast Patrol Storefront on Reed Road, this past weekend they were able to provide toys for 250 families; that on Monday she had the opportunity to bring a proclamation for the Dream Tour for Dr. Bernard Harris, who was the first African American male to walk in space and he had the non profit Dream Tour to talk about science, technology, engineering and mathematics that he continued to bring to the City, that over 10,000 kids showed up from throughout various independent school districts at the Toyota Center; that she wanted to thank Mayor Elect Parker and looked forward to serving with her, that she also wanted to congratulate all of the new elected Council Members and looked forward to serving with each and everyone of them; that she wanted to wish everyone a Merry

Christmas and happy holidays. Council Members Lawrence, Johnson, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Gonzalez stated that he wanted to thank their City employees, that they recently completed the Combined Municipal Campaign and they set a record with contributions of \$1.4 million, that it shattered the previous record of \$1 million in 2007 and more than \$500,000 that was donated last year by the City employees; that tonight the Lindale Civic Club in District H would be hosting a holiday party at 6:00 p.m. in their clubhouse on Joyce Street, that he wanted to thank DRC for helping with the special bike giveaway on Friday at Independence Heights Burrell Elementary School; that wanted to remind their citizens to stay safe this winter season and be careful with heaters that were operating in their homes, to pay close attention to them and take precautionary measures to avoid accidents, that the District H toy drive would remain underway until Friday and they could drop off toys at various locations throughout the district and the City Hall Annex on the first floor, that he wanted to thank the Greater Northside Management District for their collaboration on the toy drive effort; that he wanted to congratulate all of the new City Council Members and Mayor Elect Annise Parker, that he looked forward to working with all of them on future endeavors for the City and the constituents of District H. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she was glad to be back working with her colleagues and was looking forward to working with Mayor Elect Parker and thought she would help lead them to make the right decisions, that she owed an extreme debt of gratitude to all of those people who came out and made sure that she got to stay for another two years, that she wanted to thank her family, that it had certainly been a learning experience and she hoped to learn more, that she would miss those who were gone but was certain they would continue to work together in the future. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that it had been a great experience working with Mayor White, that to end his term with a hurricane that affected not just the City but the region, if not the Country, was just phenomenal, that he kept politics out of the decision making process and that was a lesson that he learned, that frankly before he came to Council he was a little more partisan than he was today but at the Council table he thought it was really important that they be non partisan and do what was good for Houston; that he wanted to congratulate the Houston Police Department for opening their new shooting range yesterday, that it was another investment that Mayor White made in the Houston Police Department for the good of their training, that he wanted to thank Chief Hurtt for what he had done and his command staff for what they had done and what they continued to do to help him in his district; that for the Justice For All Remembrance Tree they had almost 100 people at the City Hall Annex on Saturday and he wanted to acknowledge the hard work of Andy Khan in the Mayor's Crime Victims Assistance Office for spearheading it for the fourteenth year, that it was quite a moving ceremony to watch people who came up to the Christmas tree to hang an ornament who had lost a son, daughter, brother, uncle or whatever the case may be, that he wanted to thank Paul Morrow, GSD, for getting the facilities set up; that he wanted to acknowledge the City's Traffic and Transportation Department for a job well done, that they received an email complimenting them for a yield on green light being reinstalled at East Cape and El Dorado Boulevard, which was in his district in Pipers Meadow, that it was from Fred Maldofski. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that one reason why they had a relatively short time, an average of four to five years, of major City Police Chiefs and then they were done, that Chief Hurtt had been longer at it than any other big City Police Chief in the Country, that for various reasons,

although people in law enforcement were great people the actions by the few could reflect on the many and big cities in the United States, their Police Departments, periodically went through either corruption scandals or characterized by a high degree of controversy involving the way they dealt with diversity in the community and racial divisions and lack of understanding, that one of the strategies for having a disciplined professional police force with high standards was to reduce the risk that anything like that would happen and reflect poorly on the great men and women they had in the Houston Police Department, that was one goal, in addition to reducing crime, was to make sure that the organization respected diversity in the community and had the high standards of integrity up and down the system, that sometimes people were not judged by what did not happen or could have happened, but by that measure Chief Hurtt was a real pro. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that this would be her last Council meeting this year, she would not be present on the twenty-ninth, she would be home visiting her family in Fresno, who she had not seen for a year so she wanted to say to her colleagues who were leaving that it had been such a pleasure and a privilege and a whole lot of fun to have served with all of them, that to Mayor White she wanted to say that she could not have picked any other Mayor that she would want to serve with, that he had been a terrific leader and taught her a lot about consensus building and how to bring an issue and get collaboration on it and she looked forward to working with him in the future, that he left the City a lot better than when he came into office and thought a great example of that was this past week's announcement by Exxon Mobile that they were buying XTO, which was a green and clean fuel company; that she had the honor of attending the Julia Idelson ceremony and wanted to thank Phoebe Tudor for her tremendous work in raising the funds at a time when it was very difficult and completing the plans that were originally there for that wonderful and historical building, that she wanted to say thanks to Spaw Maxwell, who was the construction firm on that, they came in about 45 days early to complete it and also under budget, that it was an incredibly beautiful building; that the Administaff Holiday Balloon, which was at Discovery Green, hopefully today, weather permitting, would lift off at noon, that it went up about 350 feet in the air and was tethered so that they would not float away, that it would be there until February 29, 2010; that she wanted to say to everyone Merry Christmas, happy holidays and best wishes for a new year, that she looked forward to serving the City for another two years; that she would say during the holidays if they decided to celebrate and celebrated a little too much to please not get in their car and drive, that usually the cab companies had a free ride or call a friend, but please do not get in their car and drive after they had been celebrating. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to wish huge success and congratulations to all of the public officials that were elected last week, Council Members Jones and Lovell, Council Members Elect Costello, Stardig and Hoang, that he also wanted to wish huge success to Controller Elect Ron Green and Mayor Elect Annise Parker, that he had said it before and would say it again, the celebration for elected officials and candidates was not on the night of the election, it was the day that they completed their service, their term, and complete it with honor and dignity and felt that they had done some good for the people who had elected them to sit in the halls of power, so in that context he wanted to congratulate and celebrate the wonderful successes of outgoing colleagues of his, Council Members Lawrence, Holm, Brown and Mayor Bill White; that he was concerned about the future of his kids, grandkids and generations coming after that and for very selfish reasons, he wanted to say that the world needed people like Mayor White who could have the highest offices, powers but keep their feet on the ground rather than their heads in the clouds and do the right things for the right reasons and always use an opportunity for the benefit of others, especially those who may not have the opportunity to seek those benefits by themselves, so in that context he would say that Houston was very fortunate that they asked Mayor White to represent them six years ago, that he

thought the City needed him and the State needs him now; that Mayor White stated something about Chief Hurtt and he represented a district which was the most diverse district in the City of Houston and he could tell them from personal experience that Chief Hurtt had been a wonderful Police Chief and he had nothing but utmost respect from the community so on behalf of the citizens of District F he wanted to thank Chief Hurtt for his wonderful tenure in the Houston and wished him huge success in the future; that a lot of people since last Saturday had come to him and somehow said words that seemed a little strange, they said the words condolences and sorry and he smiled back at them, that the important point that he wanted to make was that he was a man of faith and it was his belief that human beings were only responsible for sincere efforts for the right and ethical moral reasons, that the results were always in the hands of the Lord Almighty and they may not get the results they were expecting but that did not mean that their efforts would not be rewarded and it was his belief that when they make sincere efforts for the right reasons and ethical and moral basis that they would be rewarded beyond what their expectations were and beyond what their imagine was and they would be surprised as to where the rewards would come from so it was his belief that those of them who made efforts and worked hard for the right ethical reasons would be rewarded and for those rewards he was happy and thanking everybody who was part of that, especially everybody who came out to vote, so the winners were the 180,000 or so on November 3, 2009 and the 150,000 or so who came out to vote on Saturday, those were the real winners and he urged everybody to be part of the winning team in the future whenever they had an opportunity to go and cast their vote for elected public office. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to say wonderful holiday greetings, Merry Christmas, Happy Hanukah and happy holidays to the citizens of the City; that he was excited that they had a new Mayor, Annise Parker, that he thought she was going to be a really good Mayor for the City of Houston; that he looked forward to working with Annise Parker in some fashion as an ex officio; that they opened the new wing of the Julia Idelson Building, that it was a great historic building and icon in the City, that it was part of contributing to one of the great public places in the City or of any city, Hermann Square, that it was the historic art deco City Hall building, the City Hall Annex, Sam Houston Park, Tranquility Park, Hobby Center and all of it connecting down to the Wortham Center and it was his hope that in the next administration they could really connect all of these places into a great public space that was pedestrian friendly and even more beautiful than it was today; that he wanted to compliment his successor, Council Member Elect Steve Costello, who had been elected to At large Position 1 and recommend to him that in spite of criticism that he received in the campaign that when it was his turn to provide the breakfast that he would consider croissants as part of the menu and continue a tradition that hopefully would be an important part of his legacy; that he would second what Mayor White stated about Chief Hurtt, that he thought he was a professional and believed in a certain way of policing and they had to respect for that, that he ran into conflict with the police union and he was concerned about that and thought that was a challenge that they had in the future for both parties to come together and everybody work hard to make this one of the safest cities in America. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:03 p.m. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary