

City Council Chamber, City Hall, Tuesday, December 2, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 2, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell and Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations and Ms. Marty Stein, Agenda Director present. Council Members M. J. Khan, P. E. and Adrian Garcia out of the city on business.

At 2:01 p.m. Mayor White called the meeting to order and stated that Council would begin presentations with Council Member Sullivan. Council Members Johnson, Clutterbuck, Holm, Rodriguez and Jones absent.

Council Member Sullivan invited representatives of NASA to the podium, director of the space center Mike Coats and head of the International Space Station Mike Sufferdene, and stated that this was the 50th Anniversary of space exploration and they generated tens of thousands of jobs, billions of dollars to the economy, excellence in space exploration, etc., and presented them a Proclamation proclaiming today as "NASA Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Holm, Rodriguez and Jones absent.

Mr. Coats thanked all for the recognition on behalf of NASA and the Johnson Space Center and stated that they were very proud of the Center and the Team; that the first 50 years were a great start and he looked forward to the next; and Mr. Sufferdene stated that every single day the first words uttered by the crew of the Space Station to the ground was "Houston" and it was a very significant city and he considered the cornerstone of human space flight was right here. Council Members Johnson, Clutterbuck, Holm, Rodriguez and Jones absent.

Mayor White stated that there was a continuity of commitment across Administrations for support of space exploration and space flight and NASA had to be supported and this Administration very much supported them and their principal missions. Council Members Clutterbuck and Rodriguez absent.

Council Members Lovell, Brown, Lawrence, Noriega and Jones congratulated NASA representatives thanked them for their work and expressed support. Council Members Clutterbuck and Rodriguez absent.

Council Member Lovell invited Rabbi Roy A. Walter of Congregation Emanu El and Mr. Steven R. Weingarten president of the board of directors to the podium and stated that Emanu El was a reform Jewish congregation founded in 1944 with membership of over 190 families and after Hurricane Ike, the temple was without power and that was a great concern as Rosh Hashanah, the holiest day of the year began at sundown on September 29th and today they were present to present the city with a Proclamation. Rabbi Walter introduced Mr. Weingarten and stated that the entire community was negatively impacted by the storm and they sat in amazement as the Mayor and County Judge called resources together to deal with the threat and they passed a Resolution in

the Mayor's honor and honor of this city, it was passed unanimously and presented Mayor White with the Resolution for being so outstanding in protecting citizens and providing needs. Council Members Clutterbuck and Rodriguez absent.

Mayor White stated that there was a story which was about the reconstruction of a city and to paraphrase, if everyone took a piece of the job, the job would get done, and that was what happened in this community and they were honored by their presence today.

Council Member Clutterbuck thanked Rabbi Walter and Mr. Weingarten for taking time out of their schedules and their board to express their thanks.

Council Member Jones invited Dean John and others with the University of Houston to the podium and stated that it was very inspiring they were becoming a Tier One University, they were the first in Texas to now offer a GLBT studies minor, it was Gay Lesbian Bisexual Transgender studies minor and it was very important to her, a friend of hers was gay and the son was bullied so much at 16 years of age he killed himself; that she was very proud of her school for offering the study as all needed to understand one another; and presented a Proclamation to them proclaiming today as "University of Houston GLBT Studies Minor Day" in Houston, Texas. Council Member Lawrence absent.

Council Members Noriega, Rodriguez and Lovell congratulated those present and expressed thanks. Council Member Lawrence absent.

At 2:32 p.m. Council Member Noriega introduced Father Lowell Case, Pastor of Mother of Mercy Catholic Church in the Fifth Ward and Pastor of Our Lady Star of the Sea Catholic Church in the Fidelity Section to lead all in prayer and then led all in the pledge of allegiance.

At 2:34 p.m. the City Secretary called the roll. Council Members Khan and Garcia out of the city on business.

Council Members Noriega and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. MOTION ADOPTED.

Mr. Charlie Dean, 6119 Fulton Meadow Lane, Houston, Texas 77092 (713-956-5968) appeared and stated that his complaint was the condition of a sidewalk and road in front of the TNT Washateria on the south side of 43rd ; that inspectors drove by almost daily and ignored this for years and it should not have to be pointed out if it was in plain view; that he called 311 in May 2008 and reported debris and plant growth over the limbs and a large chunk of concrete on the sidewalk and most was cleaned but plant overgrowth and the chunk of concrete were not adequately addressed; that he had requested service four times and it continued to be ignored and he also wrote four times; that he would hand in 17 pages of his correspondence and asked that a competent inspector be placed on the issue. Council Members Johnson, Lovell and Noriega absent.

Council Member Lawrence stated that Public Works was present and he called but was not able to get him; that if he would speak with Mr. Norman who was present from Public Works he would be glad to go out and look. Council Members Johnson and Lovell absent.

Mr. Bart Womack, 710 North Post Oak, Houston, Texas 77024 (832-236-5611) appeared and stated that he was present regarding a threat facing the nation, recently they heard of Donald Driver's father, Marvin Driver, Jr., how he was beaten and disappeared two days before he showed up at the county jail with brain contusions and unresponsive and the attitude he saw from media and politicians was all talked about it and then it was business as usual, but this was systemic, the rise of police brutality around the nation since 911 was increasing; and asked that they look with true eyes at what was happening and be a beacon to the rest of the world and hold the officer accountable. Council Member Lovell absent.

Ms. Deborah Espinosa, 6425 South Gessner, Houston, Texas 77036 (713-776-8900) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Lovell absent.

Mr. Hale Opperman, 2418 Trail River Drive, Kingwood, Texas 77345 (281-360-8092) appeared, presented information and stated that he was a member of Keep Kingwood Green, a nonprofit organization, which encouraged recycling; that they knew the city had received letters from some in Kingwood who were upset with the temporary recycling center there and they wanted to assure the Council they were a minority, thousands did use the center every weekend; that in October 45 tons of materials were dropped at the site and that was an indication of how many supported it; that Council Member Sullivan was a great advocate and worked hard to find a permanent site. Council Members Lawrence and Lovell absent.

Council Member Sullivan stated that it was a pleasure working with Mr. Opperman and Keep Kingwood Green and it was exciting to see tonnage figures going up, unfortunately there was a small group which had an issue and Kingwood Green wanted to come and let council know they were supportive and he asked METRO to assist them with traffic counters at the entrance where the bins were so they could get hard numbers of recycling supporters. Council Members Lawrence, and Lovell absent.

Council Member Brown stated that he read the brochure and it was impressive and invited him to make a presentation at the Sustainable Growth Committee; that they had a program to improve the percentage of the waste stream to be recycled and they would be taking a number of initiatives soon. Council Members Lawrence and Rodriguez absent.

Council Member Adams thanked Mr. Opperman for confidence in her when allowing her to promote the Go Green Initiative for almost two years and thanked Kingwood for all the work they did. Council Members Lawrence, Johnson and Rodriguez absent.

Mr. Jim Harty, 4806 Middle Falls Drive, Kingwood, Texas 77345 (281-360-4073) appeared and stated that most all was covered, but he wanted to reiterate the support; that there were opportunities for recycling and its benefits and Kingwood could be a

model for other areas of Houston in reducing waste in landfills. Council Member Lawrence absent.

Council Member Sullivan thanked Mr. Harty for coming and encouraged both he and Mr. Opperman to go to the sustainable Growth Committee, Council Member Brown had his heart and sole in it and they were all passionate about it. Council Member Lawrence absent.

Ms. Jossie Garcia, 827 Bolling, Houston, Texas 77076 (713-695-3745) had reserved time to speak but was not present when her name was called. Council Member Lawrence absent.

Ms. Barbara Curry, 559 Woodsmoke, Houston, Texas 77013 (713-451-6317) had reserved time to speak but was not present when her name was called. Council Member Lawrence absent.

Mr. Randy Sutherland, 2202 Poco Drive, Missouri City, Texas 77489 (281-841-8444) had reserved time to speak but was not present when his name was called. Council Member Lawrence absent.

Ms. Deloris Willis, 3702 Griggs Road, Houston, Texas 77021 (713-747-1534) had reserved time to speak but was not present when her name was called. Council Member Lawrence absent.

Mr. George Gaal, 2607 Talina Way, Houston, Texas 77080 (832-768-0121) appeared, presented information and stated that he was asking for help in obtaining a building permit for his company as they had been in the process almost two years now; that they had a roadblock in the Floodplain Department and felt it was not dealt with fairly; that two years ago they called the city to make sure the property they were interested in at 8453 Rayson Road could be built upon and were assured of no problems, it was purchased in May 2007 and in November applied for their first permits and was told the property was placed in the new floodplain drawings so they had to redraw and applied again and in August told all permits were approved, when they went to purchase the permits they were told a red tag was just found from five years previous and they could not issue the permits, they were informed the previous owner had brought fill dirt into the floodplain and it was now their problem, but they felt they had done nothing, knew nothing before and had asked all questions before hand and were assured the property was fine; that city engineers confirmed their numbers and the Floodplain Department then said they must have tampered with the property and went out, walked the property the second or third time and finally agreed the city engineers and their survey numbers were accurate and now they thought they should strip the property before building, but their contention was they brought no dirt in and had inquired, all drawings were done and they had gone through the entire process; and a summary of all had been provided to all at the Council table. Council Members Lawrence, Sullivan and Holm absent.

Mayor White stated that he would ask Mr. Norman to work with Mr. Gaal and a representative from Legal to help educate him while the two of them spoke; that he also wanted to know from Mr. Norman was whether or not there was objective criteria used for the permitting process and if so how would those criteria be altered by conduct by the

preceding owner, whether an objective criteria applied on how the fill got there. Council Members Lawrence, Sullivan and Holm absent.

Council Member Rodriguez stated that he had a constituent who was supposed to speak on a similar issue, she went through the process for a carport and it cost her \$1,000, she then had the frame up and Legal came back and said there were deed restrictions and red tagged her; that he applauded them for enforcing restrictions, but before a constituent went through the plan the city should do a better job at red flagging when something first came up; and any information he had he would appreciate it being shared with him and he did look to work with Legal and Permitting and that was why he thought they needed a deed restriction data base in place and hoped for an update from Ms. Gafrick soon. Council Members Lawrence, Holm and Noriega absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared, presented information and stated that she wanted to retract where she had said Council Member Johnson was not working with the community because he had come out and showed pictures, but her main objective was the YMCA; that last time present she said she wanted to meet with the Mayor so he could help them get the "Y"; that the land there the community did not want it for a park, it brought theft and crime, she had petitions showing they did not want a park, even others not in the community wanted the YMCA there; she was previously injured at work and her doctor sent her to the YMCA and today she was standing and able to walk but still had to go to the "Y" and work out. Council Members Lawrence, Holm and Noriega absent.

Mayor White thanked Ms. Taylor for coming and stated that he got a report of the November 17th meeting concerning the Stubner Airline Park. Council Members Lawrence, Holm and Noriega absent.

Council Member Johnson thanked Ms. Taylor for her diligence and stated that her activism made it a better community; that he knew the desire to see the YMCA come in and it would be a tremendous asset to the area, but as a sole source entity it was solely left up to the YMCA; that the YMCA sent a letter out stating they were not in the position to fund that type of building at this particular time and they had to understand, but they would try and build a better community and certainly a better park there so families had a place to go and he did not expect people to go there for negative behavior, if the community supported it and went it would not become a haven. Council Members Lawrence, Lovell and Noriega absent.

Ms. Rosemary Olvera, 6310 Shillwell, Houston, Texas 77023 (713-242-7717) appeared and stated that she was present to support Ms. Taylor for the YMCA; that they all hoped the "Y" would come for the youth and elderly. Council Members Lawrence, Holm, Lovell and Noriega absent.

Mr. Terence Branch, 4101 San Jacinto, Houston, Texas 77004 (832-882-8836) appeared and stated that he too came on behalf of all those in the Willowrun community who were interested in the YMCA; that in this day and time a park did not provide the structure youth needed and were a haven for crime; that the YMCA had structured activities and he appreciated their ideas being considered. Council Members Lawrence, Lovell and Noriega absent.

Mayor White stated that he did have notes from the November community meeting; that the person who headed the Parks and Recreation Department headed all operations of the YMCA in the region before coming to work for the city, but the city did not fund the YMCA, it was a separate organization, he had been to many parks and he understood when they said some people did no good, but he had also seen in Diaz Park where parents, mainly fathers, on their own and without permission from the city organized sports activities for young people and did landscaping and maintenance of facilities and he could take them to different parts of town where people took responsibility for trying to give young people structure and citizens were needed. Council Members Lawrence, Lovell and Noriega absent.

Council Member Noriega stated that it was interesting the Mayor brought up Diaz Park because she was thinking of it as well, it was in her neighborhood and she did not understand why at first they wanted baseball fields instead of a pool, but it was because they wanted the mechanism to have structured activities for the kids; that also the problem was the city did not control the YMCA, this was city parkland, but at Diaz they had to work out the kinks and it had taken almost 20 years to get it from a muddy lot to a self sufficient running thing and they would need their help for this park. Council Members Lovell and Noriega absent.

Mr. Willie Baker, 6523 Vera Jean Drive, Houston, Texas 77088 (281-272-0995) had reserved time to speak but was not present when his name was called. Council Members Lovell and Noriega absent.

Ms. Laverne Smith, 330 W. 19th #430, Houston, Texas 77008 (713-802-2224) appeared and stated that she was present to back up Ms. Taylor's idea; that she moved out of Willowrun about a year ago, but had lived there over 30 years and it would be great to have a "Y" for all its good recreation. Council Members Lovell and Noriega absent.

Mr. Anderson Taylor, 200 Hollow Tree Drive #1206, Houston, Texas 77090 (713-551-1249) appeared and stated that he was Pastor of Isis Worldwide Christian Center Church and citizens of Willowrun were committed to the betterment of their community as shown by their diligence in pursuit of the YMCA; that a YMCA would improve the environment and offer opportunity for youth, young adults and elderly to experience a better quality of life with means to stay fit, many parks were already available; and urged the YMCA for the area.

Ms. Sylvia Medina, 550 Gulf Gate Center, Houston, Texas 77087 (713-926-3305) appeared and stated that she was director of Economic Development for the Houston East End Chamber of Commerce and present to encourage the city's support and investment in the East End, they needed the city to participate along with Harris County and TIRZ 15 to help build the Houston Dynamo Multi-Use Stadium, Houston was built on public/private partnerships and she encouraged city leaders to have a vision and look beyond the stadium as a stand alone entity, there was an opportunity to create an economic development district that would spur jobs, restaurants and entertainment; that Minute Maid Stadium was the catalyst for revitalization of downtown and this would be the catalyst for economic development in the East End and complimented by METRO's new rail line thousands would have access; that several cities filed for a major league soccer franchise and only two new ones would be given, there would be much

competition from other cities for the Dynamos and all but one have included a new stadium in pursuit of their franchise; that over a few weeks they had collected over 5,000 signatures in support and were still counting; and urged Council give the economic boost needed for the East End and for keeping the Dynamos. Council Member Adams absent.

Ms. Tina Araujo, 815 Live Oak, Houston, Texas 77003 (713-504-2042) appeared and stated that she was present representing the East Downtown Management District, the location where the stadium for the Dynamos was planned to be built; that the stadium was planned to be used for the Dynamos, Texas Southern University sports and events, high school football and other entertainment events and they were very excited about the prospect of this in East Downtown; that jobs would be created in a time when needed and the East Downtown had growth in the residential sector and believed in the next upward cycle it would see grown in the commercial sectors as well and encouraged the city and county to continue working toward a successful conclusion and development of the stadium project; that the East Downtown Board of Directors was supportive of the stadium idea from its conception and they recognized the city was the leader in the effort and they were encouraging another public partner; and thanked all for their help. Council Member Adams absent.

Mayor White stated that he agreed with Ms. Araujo. Council Members Lawrence and Adams absent.

Council Member Noriega stated that she lived in the East End and was a big supporter of the area and anything which brought jobs and recognition, but she had serious concerns about the east/west connections, they had eaten away at the streets available and at Texas and 59, Harrisburg, etc., there was a serious problem and a stadium would take away one more way to get through, there were one way streets which dead end into other one way streets and there was no action taken and as they discussed the stadium it should be brought up; and she appreciated their organization and all who came today and knew how important this was but the streets needed to be discussed; and Mayor White stated that he thought her concern was a serious one and there were three alternative ways to approach it, two of which would have negative implications and the third he thought needed to be explored, one was the George R. Brown would have to be reconfigured and they could not have a stadium that had more north/south alignment which would require a lot of eminent domain of land to reconfigure, the second was they could say there was no METRO right of way but then part of the right of way was to have more connectivity with the eastside and it would defeat the overall mobility purposes she articulated and the third was they must find a way to somehow channel more capacity and do real traffic engineering so there could be better north/south access and it needed to be done; and Council Member Noriega stated that there were zigzags around Texas where there were corners the city already owned and there were possibilities there they presented to METRO at the time of the agreement and with traffic study she thought there were some things which could be done to improve the situation, she was not suggesting anything drastic; and Mayor White stated that he agreed with her and he encouraged her to push for Public Works to come up with good design alternatives and was making notes for himself to push. Council Members Lawrence and Holm absent.

Council Member Brown stated that the Council and Mayor did support the soccer stadium and it was important they have support from Harris County as well and

encouraged her to make a pitch at the County Commissioners Court; and Ms. Araujo stated that the East Downtown Management District would be presenting the same comments to them next Tuesday; Council Member Brown stated that he never saw a design plan for the soccer stadium but there were other considerations besides traffic, what was the anticipated development under market conditions to occur and there was a mixture of housing there and they needed to get a disciplinary approach relating to development potential for the area; and Mayor White stated that maybe the management district would want to pay for it, but the problem he had was he had at least three experiences where people had a consultant study showing what would appear, but the neighborhood thought the city was going to build it and most investment in apartments, etc., occurred by private individuals, but if anyone wanted to pay for such a design study he would say make sure it was done in connection with an investor or group of investors willing to pay for the development. Council Members Lawrence, Johnson and Holm absent.

Council Member Jones stated that people needed jobs but after the stadium was built people were left with the low paying jobs of those who worked there and more frustrating was people living in the community could not afford to get in and she would like to see tickets for the working poor or struggling middle class; that she believed the city bought the land and she supported soccer, it was great and the world's most popular sport, and more private investors were needed; and she was a member of the East End Chamber and would love to work with her. Council Members Lawrence, Johnson, Holm and Lovell absent.

Council Member Rodriguez thanked all for coming today; and stated that as the District Council Member he did support the stadium and the Dynamos 100%; that it would be fantastic development and grow jobs; that the day after the Dynamos were eliminated from playoffs they were out in the rain at an elementary school, so they had a commitment to be good corporate citizens and he felt they would address Council Members concerns, but they needed a deal first. Council Members Lawrence, Johnson and Holm absent.

Council Member Noriega stated that she did support the issue and the Dynamos and the East End were going through a renaissance and it was terrific, but she just needed one thing addressed and it was totally manageable. Council Members Lawrence, Johnson and Holm absent.

Dr. Laura Murillo, 1870 Main #275, Houston, Texas 77002 (713-644-7070) appeared and stated that she was president and CEO of the Hispanic Chamber of Commerce, the largest Hispanic Chamber of Commerce in the City of Houston and officially the largest in the State of Texas; that she thanked the Mayor for his support and Council Member Rodriguez who had been instrumental in making the stadium a reality; that soccer was an international sport and they believed this was an opportunity to again bring the international flair to the City of Houston which he brought with the Latin Grammys and which over 100 countries broadcast live, this was the city they wanted Houston known for, vibrant and dynamic and support of the city and county would send a strong message; that they were committed to the Dynamos and to Council Member Jones the Houston Dynamos more than any other sports team in Houston had reached out to giving tickets, going to schools, etc., and urged the county and city to work

together and make this a reality. Council Members Lawrence, Johnson, Holm and Noriega absent.

Mayor White thanked Ms. Murillo for her advocacy and stated that he would point out that the financial structure being considered was the same the city and county used with respect to the project known as the Pavilions and it was a large scale retail many had dreamed of and it was a big plus and what they were doing here was the same as done in the past. Council Members Lawrence, Johnson and Holm absent.

Ms. Hedy Wolpa, 13211 Harrisburg, Houston, Texas 77003 (713-928-9916) appeared and stated that she was present in her capacity as the interim president of the Greater East End Management District and all was familiar with the East End and in recent years there was an influx of businesses and residents and a new interest was spurred in the area and with the stadium it would ensure the East End would become well known and become well visited by thousands of tourists and fans; that it was smart, forward thinking and all of them, the Greater East End District, were in favor of the city/county partnership to deliver a multi use stadium and all thanked them for their support. Council Members Lawrence, Johnson and Holm absent.

Mr. Jaime Villatoro, 1818 Augusta Drive #34, Houston, Texas 77057 (281-380-0518) appeared and stated that he was present in support of the Dynamo Stadium and thanked the Mayor and Council for their initiatives in joining with the county to get it built; that from a fan's perspective the Dynamos were a strong and supported team in Houston and in the league which had a growing fan base and very international; that business groups supported it and to go to a game you could go for as little as \$10.00 and they had a recent special where you could have gone for \$5.00 and it was very cheap; that the community was supporting TIRZ 15 and this was mostly being supported by the Dynamos themselves, at least 50% would be paid by the team itself; that it would allow for more jobs and this was also tax money which would not exist without the stadium and it would not be taken away from other projects; and urged support. Council Members Lawrence, Johnson, Holm and Lovell absent.

Mr. Darrell Sheppard, 9250 Wiloak, Houston, Texas 77028 (713-631-7174) appeared and stated that his family was standing behind him and July 14, 2008, his brother Marion Wilson was killed by blunt force injuries received from the Houston Police Department and he was asking Council to have a full investigation of that as well as what happened with the Driver situation and the incident in the Houston Jail. Council Members Lawrence, Johnson, Holm and Lovell absent.

Council Member Jones stated that he wanted three things investigated, the killing of his brother and upon questions, Mr. Darrell stated that his brother was Marion Wilson, Jr. and the death was July 14th; that also Donald Driver's father was beaten and that should also be investigated and then there was an incident in the city jail where an inmate was beaten and he would like that investigated, but did not know his name. Council Members Lawrence, Holm and Lovell absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was present today because there seemed to be a closedness in government with regards to police investigations; that they had IAD and homicide and so forth, however, the investigations were generally closed and they were

investigating themselves; that a couple of weeks ago he was present seeking a jailhouse video in the beating of Charles Chuck Woo, he wanted to get a copy and the IAD admitted it existed, it was an ongoing video and not something created for an investigation, but he could not get his hands on it and apparently Council Member Lovell attempted to get it and she could not get it either; that the city needed openness when there was accusations of police misconduct; that in the beating death of Marion Wilson, and he said beating death because the Harris County Medical Examiner ruled the manner of death to be homicide by blunt force injuries; that training needed to be implemented on how to control suspects; that Marion Wilson was taken to Memorial Hermann Hospital Northwest by EMS and he died, but no officer went to the hospital nor was any officer treated for any injuries so the question was why would he need to be struck so many times he died, but openness was needed in the police force with such investigations. Council Members Lawrence, Holm, Lovell and Green absent.

Upon questions by Council Member Jones, Mr. Kallinen stated that regarding Marian Wilson, the manner of death ruled by the Harris County Medical Examiner was homicide. Council Members Lawrence, Holm and Rodriguez absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm and Rodriguez absent.

Ms. Betty Patrick, 6743 Ridgeway Drive, Houston, Texas 77087 (713-641-0169) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm and Rodriguez absent.

Mr. Timothy Brandley, 4414 Oak Shadow Drive, Houston, Texas 77091 (713-859-6387) appeared and stated that he had tried about 11 months to get a wooden fence removed or traffic light installed; that a home was built at 5527 Bertellis and West Tidwell and now it was difficult to cross the street; that he called 311 and Mr. Bill Havochik came and told him it was dangerous but if he would tip toe across the street he would be okay, but why should anyone do that and he was asking Mayor White for assistance; that last week he spoke with Mr. Gary Norman and got no help and this was a year now. Council Members Lawrence, Holm and Rodriguez absent.

Upon questions by Council Member Johnson, Mr. Brandley stated that it was West Tidwell and Bertellis and he called 311 and had work orders three or four times and he thought something was being done, but then when he would call about it later would find the work order was closed and the problem was still there; that crossing from Bertellis to West Tidwell the fence was on the left and traffic was coming from the left and he had to get into the lane of traffic to see if traffic was coming; that he was told they wanted to move the bus stop but that was not the problem, the fence was the problem and if they were not going to move it at least a traffic light should be put there so people could cross safely; and Council Member Johnson stated that he would get with him and his president of their civic club and look at it with them. Council Members Lawrence, Holm, Rodriguez and Noriega absent.

Ms. Pearl Mayberry P. O. Box 12970, Houston, Texas 77217 (832-638-6391) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Rodriguez and Noriega absent.

Ms. Jackie Thomas, 10907 Martindale, Houston, Texas 77048 (713-417-9092) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Rodriguez and Noriega absent.

Ms. Martha Epps, P. O. Box 936, Bellaire, Texas 77402 (713-517-9745) appeared and stated that she was present regarding METRO, the cost of living was very expensive and now METRO was \$1.25 each time you got on the bus, there was no transfer and buses were taking too long; that before she paid \$9.00 weekly and now \$40.00 a week and her family paid too; that she had a part-time job and all her money was going to METRO and she could not afford her bills; and asked that Council try taking METRO to see for themselves and urged their assistance. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Epps for coming and stated that some people did not know about the bus system and some were totally dependent; that she rode until she was 24 and was aware of them; that in this day and time people were finding it hard to even find jobs and they had rent and bills and food to buy and if there was anything the Mayor could do to talk to METRO she would appreciate it. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Mark Hogue, 9307 Meadowglen, Houston, Texas 77036 (832-277-6000) appeared and stated that he was asking if there was a way to have no u-turns with left turn signals, many times he almost got run over by a u-turn on Westheimer; that he also wanted to get rid of drunk drivers; that he also rode the bus and knew what she was going through and suggested she talk to the METRO Board December 18th. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Donald Burns, 2016 Main #2301, Houston, Texas 77002 (713-571-6001) appeared and stated that this began on May 6, 2008, about 12:30 p.m. when he received a call from the next speaker, Ms. Nettles, her car was towed from her work at Half Price Books and she called and he came to get her and took her home and then the next day went back to get her and her car; that on the sign where she was towed it said Carl Enterprises but when they got to the storage lot it was Jet Towing/Images and she appealed and the tow company did not show up for the city hearing but the company appealed it and then it was not city any more it was in civil courts so the company showed up and lost and when they went to the court coordinator to see how to get her money they were told there was nothing they could do, but at the end of such a hearing they should just verify her address and send her money; that today he wanted her money back. Council Members Lawrence, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Aleta Nettles, 6310 Highlandwoods Drive, Sugarland, Texas 77489 (281-744-3816) appeared and stated that today she was asking for her refund, she won

the case and only wanted her money. Council Members Lawrence, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that she appeared in justice court without counsel and Ms. Nettles stated yes, and Mayor White stated that justice was found in her favor and it appeared there was some judgment taken and the issue was how one went about executing the judgment. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that the city had no jurisdiction over the courts, but some people had legal clinics like the University of Houston, NAACP and they could help her go about executing judgments and also Houston Volunteer Lawyers and she would write down the groups and provide them to her. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Nettles for bringing the matter to Council's attention; that she was provided a picture by her and on the sign it had a company name, but it was not actually the company who towed the vehicle and she would like to know what needed to be done to make the companies keep signage correct; and Mayor White stated he would ask the City Attorney to look at the requirements they had concerning the obligation of the landowner to do the posting and that the posting be kept current and if not there was a consequence, because there was a fine line between theft of an automobile and towing and he would like the City Attorney to see if they could get periodically from the justice courts some summary of information concerning judgments for unlawful towing and has the state taken away any of the city's power to pull their permit; that in a discussion with Judge Gorczynski there was mention of a database which justice courts kept for some purpose, but he could not remember that purpose and find what a citizen did to execute on a lawful judgment. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Wayne Webb, 3410 W. Pine Brook Way, Houston, Texas 77059 (281-480-5888) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

The City Secretary stated that Mr. Nigel Brooks was present to speak and had been left off the speakers list and invited him to speak at this time. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Nigel Brooks, appeared and stated that he was a Houston Dynamo Season Ticket Holder and present to encourage the city to continue the revitalization of the East End of downtown by joining with Harris County and the Dynamo organization and facilitate the building of a soccer specific stadium adjacent to Minute Maid Park on land recently purchased by the City of Houston; that he understood the Mayor invited Harris County to join with the city in Tax Increment Reinvestment Zone 15 and that Commissioner Lee was currently studying the matter and he had every confidence when that study was concluded Commissioner Lee would deem it appropriate that they join and participate in the TIRZ for the purpose of building the stadium; that this was not

another stadium where local government was expected to provide financing for the construction, the Dynamo organization was proposing to spend over \$50 million of their own money for the stadium at that site and their fans were asking for the City of Houston and Harris County to join in the endeavor and invest some of the incremental tax revenues which would surely be received as the revitalization of the area; and urged the city to place an item on the agenda addressing TIRZ funds from TIRZ 15 to facilitate the building the stadium on land already purchased by the city. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that they hoped he would be very successful as he went to Commissioners Court to explain the urgency of them placing it on their agenda; and Mr. Brooks stated that was done at their last meeting. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Vivek Goel, 8450 Cambridge, Houston, Texas 77054 (713-240-9981) appeared, presented information and stated that he was a member of the Art of Living Foundation and recently Mayor White signed a memorandum of understanding with them of which he had circulated copies of to Council Members; that their foundation was a nonprofit humanitarian foundation working in over 150 countries worldwide in bringing a stress free violence free society to the world and as per the memorandum of understanding they would like to work with the City of Houston in setting an example for cities worldwide in bringing stress free techniques to employees, war veterans, etc., and requested Council get in touch with their e-mail and see how they could bring a stress free and violence free Houston to their districts. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Goel for coming. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Linda Layton, 2210 Noble, Houston, Texas 77026 (no phone number given) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Schumann Rafizadeh, 806 Main #1200, Houston, Texas 77002 (281-384-0175) appeared, presented information and stated that he presented a proposal from which he would read and it would be to proactively avert an economic disaster and to protect the safety, security and property of Houstonians from predatory lenders, servicers and mortgage backed security trustees who had already ravaged the economy, destroyed numerous other communities and created the financial crisis which had become the number one source of stress and suicides for middle-aged white women in the United

States; and read through Proposal Number One when his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Rafizadeh for coming and stated that his proposal was passed to Council Members and it would be looked through; and Mr. Rafizadeh stated that he appreciated it and his daughter and son who graduated when they were 16 years of age were taking a government class and present with him today. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Marie Swanson, P. O. Box 6633, Houston, Texas 77266 (no phone number given) appeared and stated that her request to speak was to give quick ideas for Council's consideration; that she was a volunteer wildlife rehabilitator and chartered an organization in 1984 and it was to be a national organization and was temporarily disregarded because of problems; that as for neutering problems and mobile vehicles, etc., they needed an active organization to raise money to pay for it; that they needed to plant trees, distribute bees, fund raisers, many animal services, etc., bees were not pollinating and birds had nothing to eat, the sunlight changed in 1997 and was not giving out the right rays; that bees were dying and it was enough for public resolution; that she also tried to write before regarding Parker Road, there were only a few street lights and people were being hit, she was thrown across by a truck, and there were no sidewalks, it should have a name change to Parker Roadkill; and they needed a wildlife intake center. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Lovell thanked Ms. Swanson for coming and stated that notes were taken and she wanted to make sure all her concerns were met and Mr. Gary Norman with Public Works was present and Ms. Kathy Barton with Health was present and they could both meet with her at this time. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he had charges against Bill White and was the official president of the United States; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck,

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

At 4:37 p.m. City Council recessed until 9:00 a.m., Wednesday, December 3, 2008. Council Members Khan and Garcia were out of the city on business. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 3, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members M. J. Khan, P. E. and Adrian Garcia out of the city on business.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:27 a.m. Mayor White called the meeting to order and stated that the first order of business was a report from the City Controller and City Administration on the financial condition of the city.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director of the Finance Department, reviewed the Monthly Operations and Financial Report, a copy of which is on file in the City Secretary's Office for review. Council Member Lawrence absent.

Mayor White stated that he would complete the Administration's Report, this was questions from Council Members during the time they undertook extensive pension reforms and a Report on the State of the City of Houston Pension Systems was distributed which contained Funding Status and Recommendations and a City of Houston Pension Actuarial Audit of Retirement Systems Report by Retirement Horizons Incorporated was distributed which contained a Funding Overview and Amortization Method and Plan Experience Analysis.

Council Member Holm stated that a shortfall was being projected and upon questions, Mayor White stated that the city built up substantial cash reserves so they could sustain the future commitments being made, in particular on the firefighter contract and level of policing needed within the city; that they also reexamined the Capital Improvement Program for the City of Houston so they could go over in detail projects

deferred and postponed and finally they looked at budgets for 2010 Fiscal Year and projecting revenues for that time. Upon further questions by Members of Council, Ms. Parker stated that the investment portfolio they had averaged \$2 billion; and Mayor White stated that it was about 10% surplus, but he would note there were various debt covenants reserves and City Controller and Director of Finance worked diligently to identify those cash reserves which could be used for self liquidity which would neither compromise the city's credit or be needed to fund projects during that period of time; and Council Member Holm stated that she would suggest to begin looking at proactive ways to address budget needs today, more critically at spending patterns and identifying needs in a market no one predicted; and Mayor White stated he agreed.

Council Member Sullivan stated that this was a serious and complicated issue and he was a believer in this governing body including Mayor White and their ability to govern themselves and the pension fund and looking to the new legislative session would they be asking for anything in particular and could Council Members help; and Mayor White stated yes, it had been a substantial matter of contention, disagreement between this administration and the pension boards about the obligation of the pension boards in particular their ability and responsibility for setting benefit levels consistent with revenues, why did it take someone being elected Mayor to come in and say they better bring assets and liabilities, who was asleep at the wheel at the Municipal Pension Board and wasn't there conflict of interest when employees were setting their own benefits and being the sole source of actuarial information; that Mr. Mason had a report in the works on the pension system; that he spoke with other Mayors and they agreed it should be a matter of municipal law and not state law on what exactly those benefit schedules should be, of course they could not go back, if someone worked thirty years and retired they could not change their benefit program that would violate basic notions of fairness, no one was advocating that, but they should have the ability on a going forward basis to have more control of their own benefit levels.

Council Member Lawrence stated that the Mayor's explanation and the handout would help a lot .

Upon questions by Council Member Green, Ms. Mitchell stated that the Pension Board had not brought up anything to her; that Craig Mason was on the board and worked toward the city's and employee's interest and he did question what was going on, but investments were clearly up to the board; and Council Member Green stated that later he did not want the public thinking the city was not addressing the issue of post employment benefits; and upon further questions, Ms. Mitchell stated that fuel had dropped low and they were looking at reaching out to a supplier and lock in the lower rate for the next few years; and Mayor White stated that despite urgings they resisted at times to hedge fuel at current prices and on power the net of the hedges, it was still to the positive, but the net overall was better; and Ms. Mitchell stated that the dropping in the oil was good for them, but expected prices to go up in spring; and Council Member Green encouraged looking at hedges now.

Upon questions by Council Member Brown, Mayor White stated that changes in contribution levels to the pension fund which would adversely affect the city, in an agreement approved by all members of this Council they changed the municipal pension system and had a second set of reforms adopted and as a part of that they had a fixed set of contributions out through FY2011 and within the police pension system

approximately in 2004 this Council approved a contribution level through FY2012 or 2013; that they moved strongly in this direction and they needed to have a fixed and predictable contribution as a percentage of payroll that could be budgeted over time so there was a gap in what they had in state law and what they needed and he said they needed to address this in his first state of the city address; that the fire pension contribution was based in part on formulas and those formulas were in state statute but could be changed by the pension board..

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Holm. All voting aye. Nays none. Council Members Khan and Garcia absent out of the city on business. MOTION 2008-0867 ADOPTED

Council Member Rodriguez stated that he looked over the Mayor's report and recommendations and would like him to elaborate on employment of an actuary by the city; and Mayor White stated that Craig Mason probably supervised as many actuaries as probably in any private sector and his recommendation would be to retain and keep a position of chief pension executive within the city and make sure he was an independent watch dog who could report to Council and that they have periodically a report from an independent actuary on a periodic cycle. Council Member Noriega absent.

After a lengthy discussion Mayor White stated that he wanted to suggest a hearing on the report by Mr. Mason; Council Member Holm stated if it was possible to move to the legislature and bring up benefit issues she thought they should have a direct plan and go for it; Council Member Clutterbuck urged all to read the information sent to them by Marty Stein on the pension system as it related a history many Council Members did not live through and suggested it be dated, titled and author's contact information be placed on it and put on the city website; and Council Member Lawrence stated that the Pension Board did not want a better relation and kept control, they were about two votes away from it happening and instead of all going to the legislature with various problems they should have one or two things under the leadership of Ann Travis. Council Member Noriega absent.

MAYOR'S REPORT -Tolerance Bridge Project

Mayor White stated that he would be calling on Council Members to perhaps sign a letter with him through private donors, this community would move forward, Discovery Green enhanced property and this was exciting and recognized Ms. Ann Lentz and Mr. Charles Lyndecker with the TIRZ Board and invited Ms. Lentz to the Council Table. Mayor White stated that on the Tolerance Bridge Project two things came together, first Joe Turner and others much involved in Allen Parkway knew they needed more connectivity between the north and south of Buffalo Bayou, more pedestrian friendly, within the TIRZ budgets they planned on improvements and Council annexed this area and part of White Oak Bayou to this particular TIRZ 5 and it gave the city the benefit of concentrated city, county and school district resources to do improvements; that Ms. Mosbacher shared a vision with him where she was committed to raise funds for having a piece of art which would be another feature of the landscape; that with excellent leadership of the Arts Alliance they did an extensive international art competition and focused on making sure all in Houston, Texas and leading sculptors who had done art in public places throughout the globe were invited; that he circulated

materials which would show a depiction of the approach, the vision of Buffalo Bayou they would have with the amenity; that a letter would be submitted to Council Members for their signature to both thank the Mosbacher's for their commitments and contributions and he thanked those at the TIRZ. Council Member Noriega absent.

Council Members thanked Ms. Lentz and Mr. Leyendecker and all who worked on this as it was needed for connectivity and expressed concerns of youth scaling the art piece and urged safety measures be taken and paint be used that graffiti would not adhere to.

Council Member Sullivan moved to consider Items 12, 12a and 12b and Items 19 through 29 out of order at this time, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. MOTION 2008-0868 ADOPTED.

12. **ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF HOUSTON, TEXAS, by adding a new ARTICLE VI TO CHAPTER 9** relating to Airport Land Use Regulations; establishing Airport Land Use Regulations, Compatible Land Use Envelopes and Tier Boundaries for properties in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field; adopting official Airport Land Use Maps for land within the Compatible Land Use Envelope of each Airport; providing for administration and enforcement; providing for Airport Land Use Permits and related matters; making findings and containing other provisions relating to the foregoing subject; providing for an effective date; providing for severability - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. ORDINANCE 2008-1052 ADOPTED.

12a. **ORDINANCE AMENDING THE CITY OF HOUSTON BUILDING CODE** and adopting additional local amendments to the **INTERNATIONAL RESIDENTIAL CODE** for one- and two- family dwellings relating to Land Use Regulations at the City's airports; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause - was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. ORDINANCE 2008-1053 ADOPTED.

12b. REQUEST from Mayor for confirmation of the appointment of the following to the **AIRPORT BOARD OF ADJUSTMENT**, for two year terms beginning on February 1, 2009:

- Position One - **MR. DALE A. RUDICK**, and to serve as Chair
- Position Two - **MR. GARY F. SHIRLEY**
- Position Three - **MR. WALLY HUERTA**
- Position Four - **MR. PARDHA NAMUDURI**
- Position Five A - **MS. DEIDRE MONIQUE HINDS-RASHEED**, (for matters relating to Bush Intercontinental Airport)
- Position Five B - **MR. HUGO C. ALVAREZ**, (for matters relating to Hobby Airport)
- Alternate Position One - **MR. MICHAEL STRONG**
- Alternate Position Two - **MR. DARRELL G. HARDY**
- Alternate Position Three- **MR. JOE DOUGLAS WEBB**

Alternate Position Four - **MR. TERRY D. WILLIAMSON**
Alternate Position Five B- **MS. ANN COLLUM**, (for matters relating to
Hobby Airport)

- was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. MOTION 2008-0869 ADOPTED.

Council Members Noriega, Lovell, Rodriguez and Clutterbuck thanked all serving on the board and asked those present stand to be recognized.

19. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2960 LAZY LANE BOULEVARD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G – HOLM** – was presented.

Council Member Sullivan stated that he would like all items 19 through 29 combined and have the one tag; and Mayor White stated that he did not want to limit discussion. Council Member Noriega absent.

Council Member Jones stated she saw the items would be tagged but wanted to commend historic preservation; that much money was spent on these restorations and she wanted to commend the home owners; and Mayor White stated that it was easy to sit on the sideline and say they were for historic preservation and cause others to do their houses, but they did not want to pay; that historic preservation was not cheap and mostly privately funded and if they believed historic preservation benefited a community, which he did, this was a small public recognition. Council Member Noriega absent.

Council Member Lovell stated that she respected the right to tag, but here they were giving someone an exemption on money they spent to improve the home, most cities like Galveston had preservation funds and people could go borrow from the fund to repair, etc., but here they did not and in effort to preserve incredible homes the city gave an abatement as an incentive. Council Member Noriega absent.

Council Member Brown stated that there were not enough structures on the list of historic preservations and he supported it.

Council Member Sullivan stated that he was in favor of preservation, but concerned about giving tax breaks to homeowners with values such as \$9.9 million, \$3.9 million, etc., that it was much in forgone taxes and it looked like the homeowners could afford this on their own and did not like placing it on the backs of all other taxpayers. Council Members Adams and Jones absent.

A vote on Item 19 was called and was tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business. Council Members Adams and Jones absent.

20. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2 WEST ELEVENTH PLACE** 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 C – CLUTTERBUCK** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business. Council Members Adams and Jones absent.

21. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3000 DEL MONTE DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G – HOLM** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.
22. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1624 KIRBY DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G – HOLM** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.
23. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3214 LOCKE LANE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G – HOLM** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.
24. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **12923 MEMORIAL DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G – HOLM** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia t out of the city on business.
25. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1544 TULANE STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H – GARCIA** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.
26. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4 SHADOW LAWN 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 C – CLUTTERBUCK** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.
27. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **706 WEST SAWYER STREET** in Houston, Texas; containing findings and other

provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H – GARCIA** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.

28. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **310 MAIN 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 I – RODRIGUEZ** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.
29. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **715 FRANKLIN AVENUE** 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 I – RODRIGUEZ** – was presented and tagged by Council Member Sullivan. Council Members Khan and Garcia out of the city on business.

CONSENT AGENDA NUMBERS 1 through 75

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2009 - January 1, 2009 through December 31, 2009 – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. MOTION 2008-0870 ADOPTED.

ACCEPT WORK - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$13,149,515.84 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Kirby Dr. Storm (Seg. 1) - Dorrington to Brays Bayou (SWMP), WBS M-000771-0001-4 - 2.30% over the original contract amount - **DISTRICT D – ADAMS** – was presented, moved by Council Member Lovell, seconded by Council Member Jones. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. MOTION 2008-0871 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,122,219.93 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D8-4 - 4.03% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; G - HOLM; H - GARCIA and I – RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Jones. All voting

aye. Nays none. Council Members Khan and Garcia out of the city on business.
MOTION 2008-0872 ADOPTED.

PROPERTY - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Trisha Frederick, E.I.T. of Edminster, Hindshaw, Russ and Associates, on behalf of Willowbrook Mall Anchor Acquisition (TX), LLC and Willowbrook Mall (TX) LLC, for abandonment and sale of two 10-foot-wide water line easements, located within the Willowbrook Mall plat, Parcels SY9-020A and SY9-020B - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Lovell, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. MOTION 2008-0873 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 10

6. **MORNING PRIDE MANUFACTURING d/b/a TOTAL FIRE GROUP, L.L.C.** for Fire Protection Ensembles through the Interlocal Agreement for Cooperative Purchasing between the City of Houston and the City of Memphis, Tennessee for Houston Fire Department - \$450,000.00 General Fund – was presented, moved by Council Member Lovell, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. MOTION 2008-0874 ADOPTED.
7. **AMEND MOTION #2005-1003, 10/19/05, TO INCREASE** award from \$865,350.89 to \$1,081,688.61 for Chemical, Aqua Ammonia for Department of Public Works & Engineering, awarded to **SOUTHERN IONICS, INCORPORATED** - \$216,337.72 - Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. MOTION 2008-0875 ADOPTED.

ORDINANCES - NUMBERS 11 through 75

11. ORDINANCE **AMENDING CHAPTERS 7 AND 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Pawnbrokers – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1054 ADOPTED.
14. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1055 ADOPTED.
15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Wagon Road (Parcel SY8-093), from approximately 50 feet south of Millstream Lane to Buckboard Drive; vacating and abandoning said tract to Aldine Independent School District and James D. Kuehn, Trustee, Greater Greenspoint Development Authority, abutting owners, in

consideration of the conveyance to the City of a utility easement (Parcel VY9-021), all located in Imperial Valley Commercial Development, Section 1 Subdivision, Simon Contreras Survey, A-220, Houston, Harris County, Texas, and owner's payment to the City of \$149,514.00 - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1056 ADOPTED.

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide sanitary sewer easement (Parcel SY8-094) extending from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1, Houston, Harris County, Texas; vacating and abandoning said easement to Sawyer Heights Village, Ltd., the abutting owner, in consideration of its payment of \$22,350.00 and other consideration to the City - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1057 ADOPTED.
17. ORDINANCE consenting to the addition of 3.999 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 189**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1058 ADOPTED.
18. ORDINANCE consenting to the addition of 191.0964 acres of land to **NEWPORT MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1059 ADOPTED.
31. ORDINANCE approving and authorizing first amendment to Lease Agreement between **RMC 2004 PORTFOLIO I, L.P.**, and related entities, as landlord, and the City of Houston, Texas, as tenant, for office space at 50 Briar Hollow West, Houston, Texas, at a monthly rent of \$2,895.17, for use by the Employee Assistance Program of the Human Resources Department - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1060 ADOPTED.
32. ORDINANCE approving and authorizing Amending No. 2 to Lease Agreement, between the City of Houston and **MARATHON OIL COMPANY** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1061 ADOPTED.
33. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 4.29 acre site located in 1210 San Jacinto Street Houston, Harris County, Texas, commonly known as Houston Pavilions (Block 273) and South Texas College of Law (Block 293), Houston, Texas, 77002 and a portion of the Polk Avenue right of way, City of Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT I – RODRIGUEZ** – was presented. All

voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1062 ADOPTED.

34. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 14.6 acre site located in 10651 Harwin Drive Houston, Harris County, Texas, commonly known as West Belt Business Park, Houston, Texas, 77036 and a portion of the West Beltway 8 right of way, City of Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICTS F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1063 ADOPTED.
35. ORDINANCE approving and authorizing Interlocal Agreement between the City and **HARRIS COUNTY** for provision of Outreach Services pursuant to the Federal Grant Program in support of the Ryan White Comprehensive AIDS Resources Emergency Act now known as the Ryan White HIV/AIDS Treatment Modernization Act of 2006 Special Projects of National Significance Program \$94,430.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Khan and Garcia absent out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1064 ADOPTED.
36. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005 which approved and authorized the submission of the 2005 Consolidated Plan and the Grant Application for the 31st Community Development Block Grant (“CDBG”) Program year, among others, to add a new Business Stabilization Loan Program for Small Business owners - \$328,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1065 ADOPTED.
38. ORDINANCE approving and authorizing contract between the City of Houston and **HARRISON LAW OFFICE, P.C.** for Litigation Support Services, providing a maximum contract amount \$150,000.00 - CIP Salary Recovery Fund – was pulled by the Administration and not considered.
39. ORDINANCE amending Ordinance No. 2008-827 to increase the maximum contract amount for a contract between the City of Houston and **BECK DISASTER RECOVERY, INC** for Hurricane Ike Disaster Management Services for the Solid Waste Management Department - \$20,000,000.00 Hurricane Ike Aid and Recovery Fund– was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1066 ADOPTED.
41. ORDINANCE amending Ordinance No. 2008-0921 (passed October 15, 2008) to correct a clerical error to include Professional Architectural Services for the Renovation and Expansion of Fifth-Ward Multi-Service Center - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1067 ADOPTED.

42. ORDINANCE appropriating \$269,750.00 out of Street & Bridge Consolidated Construction Fund; awarding Construction Manager At Risk Contract to **J. E. DUNN SOUTH CENTRAL, INC** for Right-of-way and Fleet Maintenance Facilities Expansion - **DISTRICTS H - GARCIA and I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1068 ADOPTED.
47. ORDINANCE approving and authorizing fourth amendment to the funding agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Construction of West Houston Trail Phase II - a joint project between the City of Houston and TXDOT (approved by Ordinance No. 95-1290) - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1069 ADOPTED.
48. ORDINANCE appropriating \$10,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management Services Contract between the City of Houston and **PTI, INCORPORATED** for Neighborhood Street Projects **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1070 ADOPTED.
49. ORDINANCE appropriating \$542,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for contract between the City of Houston and **ADS CORPORATION d/b/a ADS ENVIRONMENTAL SERVICES** for Hydraulic Modeling Field Support Services – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1071 ADOPTED.
51. ORDINANCE appropriating \$2,275,806.60 out of Street & Bridge Consolidated Construction Fund and \$2,108,093.40 out of Contribution for Capital Projects Fund, awarding contract to **TRIPLE B SERVICES, L.L.P.** for Bertner Avenue Paving Extension from South Braeswood to Old Spanish Trail; 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, construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Contribution Capital Projects Fund - **DISTRICT D – ADAMS** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1072 ADOPTED.
52. ORDINANCE appropriating \$5,068,933.80 out of Metro Project Commercial Paper Series E Fund; awarding contract to **CONRAD CONSTRUCTION CO., LTD.**, for Reconstruction of North Main Street; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and

- contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1073 ADOPTED.
53. ORDINANCE appropriating \$3,385,827.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1074 ADOPTED.
54. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Parker Road Paving Project (from Airline to Hardy Toll Road); authorizing the acquisition of certain real property interests by gift, donation, purchase, and/or eminent domain proceedings required for the project and payment of the costs of the purchases and/or eminent domain proceedings and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 157 tracts of land being acquired in fee simple and/or permanent easements, in upon and to property located in the H. & T.C.R.R. Company Survey, Section 5, A-428, in Harris County, Texas, and being more specifically situated out of Lot 21 of Thatchers Gardens Subdivision; Lots 1 thru 3, Block 1, Lots 4 thru 19, Block 2, Lots 20 thru 22, Block 3, and Lots 23 thru 38, Block 4, Gilwood Place Subdivision; Lots 1, and 4 thru 28 of Strathmore Place Subdivision; Lots 8 thru 14 Block 1 and Lots 1 thru 6, Block 2 of E. P. South's Subdivision; Lots 1 thru 8 Block 2 and Lots 1 thru 8 Block 3 of Shelby Addition Subdivision; and Lots 344, thru 346 and 351 thru 354 Block 6, Lots 355 thru 370, Block 7, Lot 225 Block 12, Lots 317 thru 332, Block 14, Lots 335 thru 343, Block 15 of Hawthorne Place Section 2, said parcels of land being along the north and south lines of Parker from Fulton Street to just east of Silvercrest Street in Houston, Harris County, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1075 ADOPTED.
55. ORDINANCE No. 2008-1011, passed second reading November 19, 2008
ORDINANCE granting to **J BAR CONTRACTOR'S SERVICES, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1011 ADOPTED THIRD AND FINAL READING.

56. ORDINANCE No. 2008-1012, passed second reading November 19, 2008
ORDINANCE granting to **TAP ENVIRONMENTAL, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1012 ADOPTED THIRD AND FINAL READING.
57. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **ADDICKS UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1076 ADOPTED.
- 57a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Addicks Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Addicks Utility District annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1077 ADOPTED.
58. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 2** – was presented. All voting aye. Nays none. Council Members Khan and Garcia absent out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1078 ADOPTED.
- 58a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Cinco Municipal Utility District No. 2, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Cinco Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1079 ADOPTED.
59. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 5** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1080 ADOPTED.

- 59a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Cinco Municipal Utility District No. 5, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Cinco Municipal Utility District No. 5 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1081 ADOPTED.
60. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 49** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1082 ADOPTED.
- 60a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 49 and certain territory located in the vicinity of Harris County Municipal Utility District No. 49, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 49; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 49 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1083 ADOPTED.
61. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1084 ADOPTED.
- 61a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 71 and certain territory located in the vicinity of Harris County Municipal Utility District No. 71, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 71; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 71 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1085 ADOPTED.

62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1086 ADOPTED.
- 62a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 106 and certain territory located in the vicinity of Harris County Municipal Utility District No. 106, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 106; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 106 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1087 ADOPTED.
63. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 144** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1088 ADOPTED.
- 63a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 144 and certain territory located in the vicinity of Harris County Municipal Utility District No. 144, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 144; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 144 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1089 ADOPTED.
64. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1090 ADOPTED.
- 64a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 165 and certain territory located in the vicinity of Harris County Municipal Utility District No. 165, in

Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 165; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 165 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1091 ADOPTED.

65. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1092 ADOPTED.
- 65a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 166 and certain territory located in the vicinity of Harris County Municipal Utility District No. 166, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 166; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 166 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1093 ADOPTED.
66. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1094 ADOPTED.
- 66a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 278 and certain territory located in the vicinity of Harris County Municipal Utility District No. 278, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 278; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 278 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1095 ADOPTED.

67. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 371** – was presented. All voting aye. Nays none. Council Members Khan and Garcia absent out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1096 ADOPTED.
- 67a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 371 and certain territory located in the vicinity of Harris County Municipal Utility District No. 371, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 371; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 371 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1097 ADOPTED.
68. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1098 ADOPTED.
- 68a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 383 and certain territory located in the vicinity of Harris County Municipal Utility District No. 383, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 383; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 383 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1099 ADOPTED.
69. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1100 ADOPTED.
- 69a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 500, in Harris County, Texas; containing findings and other provisions relating to the foregoing

subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 500 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1101 ADOPTED.

70. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 501** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1102 ADOPTED.
- 70a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 501, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 501 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1103 ADOPTED.
71. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 503** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1104 ADOPTED.
- 71a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Municipal Utility District No. 503 and certain territory located in the vicinity of Harris County Municipal Utility District No. 503, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Municipal Utility District No. 503; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 503 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1105 ADOPTED.
72. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY UTILITY DISTRICT NO. 15** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1106 ADOPTED.

- 72a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Utility District No. 15 and certain territory located in the vicinity of Harris County Utility District No. 15, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for the territory located in the vicinity of Harris County Utility District No. 15; imposing the sales and use tax of the City of Houston in the area within Harris County Utility District No. 15 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1107 ADOPTED.
73. ORDINANCE approving and authorizing a second amendment to the Strategic Partnership Agreement between the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1108 ADOPTED.
- 73a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Chelford City Municipal Utility District, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Chelford City Municipal Utility District annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1109 ADOPTED.
74. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1110 ADOPTED.
- 74a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within Harris County Water Control and Improvement District No. 36, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 36 annexed for limited purposes; assigning annexed areas to the adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1111 ADOPTED.
75. ORDINANCE approving amendments to the annexations of certain territory previously annexed for limited purposes that is located in Harris County and Fort Bend County, located in the vicinity of various municipal utility districts and other

similar entities as listed in the ordinance – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1112 ADOPTED.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

2. RECOMMENDATION from the Mayor's Office of Government Affairs for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$74,424.00 - General Fund – was presented and tagged by Council Member Lawrence. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent.
8. ORDINANCE appropriating \$109,797.40 out of Equipment Acquisition Consolidated Fund for Purchase of Office Furniture for Parks & Recreation Department – was presented and tagged by Council Member Holm. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent.

Council Member Holm stated that the backup was 21 pages and she wanted verification the items were really needed.

- 8a. **CONTRACT RESOURCE GROUP, LLC** - \$314,879.64, **MITY-LITE, INC** - \$121,454.49 and **J. TYLER SERVICES, INC** - \$114,921.38 for Office Furniture from State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments - General, Enterprise, Grant and Other Funds – was presented and tagged by Council Member Holm. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent.
9. ORDINANCE appropriating \$1,139,086.10 out of Equipment Acquisition Consolidated Fund for the purchase of Street and Parking Lot Maintenance Equipment for Various Departments was presented.

Council Member Jones stated that she saw a front loader for \$580,925.00 and she had staff get quotes for the same specifications and had one for \$289,890.00 and with governmental discount it would be approximately \$246,406.00 and she needed understanding why they would pay so much more; and tagged Item 9. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent.

Mayor White stated that there could be several explanations, but if one was no one bothered to check and determine he would like that person or their supervisor to report to him and Council; he thought it was cause for termination as they did expect comparison shopping. Council Member Sullivan absent.

- 9a. **HI-WAY EQUIPMENT CO., L.L.C.** - \$189,360.00, **TYMCO, INC** - \$115,481.63, **BERGKAMP, INC** - \$254,600.00 through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council and **MUSTANG MACHINERY COMPANY, LTD.** - \$580,925.00 and **R. B. EVERETT COMPANY** - \$95,438.60 through the Interlocal Agreement for Cooperative Purchasing with Texas Local Government Purchasing Cooperative for purchase of Street and Parking Lot

Maintenance Equipment for Various Departments – was presented and tagged by Council Member Jones. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent.

10. **HI-WAY EQUIPMENT CO., L.L.C.** for Equipment, Road Machinery, Gradall and Cummins Replacement Parts and Repair Services for Various Departments - \$1,143,687.50 - General and Fleet Management Funds – was presented, moved by Council Member Lovell, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. MOTION 2008-0876 ADOPTED
13. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS,** by **AMENDING CHAPTER 14** relating to the payment of Holiday Compensation to eligible employees – was presented.

Council Member Lawrence stated that this was wonderful, but wondered if it could be made effective over the previous Thanksgiving holidays, employees said to her they worked four days, ten hours and were not getting paid because of the holiday; and Mayor White stated that if this was up to the Administration and Mr. Hall it would have been done awhile ago, it took two parties to agree; and Mr. Michel stated that he was not sure if they could because of constitutional prohibitions, but would look into it, he had his doubts; and Council Member Lawrence stated that she would vote for it with the stipulation they check and see if it could be done; and Mr. Hall stated that he would check into it, but the policy even now was if you worked on a Council designated holiday you did get paid for the holiday and here they were changing how much you got paid, if you worked a ten hour day because you worked a four day week, you got paid for ten hours at the premium, but he would check. Council Member Sullivan absent.

Mayor White stated it may be that there was a change in the formula by which they got paid during holiday work and it may be they were referring to the new formula versus the old formula and they needed to compare facts. Council Member Sullivan absent.

Council Member Lovell thanked Mr. Hall and the HOPE Team, this was a new relationship and it may go slower than they wanted, but they were establishing a good relationship and this should be cleared up and she would like employees to understand the new formula so they would not run into miscommunication and it may be worth it to get it to employees so they could understand it. Council Member Sullivan absent.

Council Member Holm thanked Mr. Hall for trying to get clarity, it was a complicated issue and she would like clarity on what they were voting for, she thought the Mayor said they wanted it before Thanksgiving; and Mr. Hall stated that this was presented, they committed in the contract to discuss this matter at the Municipal Employees Consultation Committee and there was delay in getting the items considered because they wanted input from the departmental representative; and Mayor White stated that the item being voted on was as written. Council Member Sullivan absent.

Council Member Adams thanked HOPE and all for working on this; and stated that in the explanation going out to employees she would like the Thanksgiving holiday be given explanation also. Council Member Sullivan absent.

A vote was called on Item 13. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1113 ADOPTED.

30. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2008-313 by adding eight (8) Engineer/Operator positions; eight (8) Fire Fighter positions and deleting one (1) Classified Mechanic Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance – was presented, and tagged by Council Members Rodriguez, Johnson, Green and Adams. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent.

Council Member Adams stated that she just needed clarity on a mechanic position. Council Members Khan and Garcia absent out of the city on business. Council Member Sullivan absent.

37. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, to provide up to \$153,452.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$76,726.00, for the Operation of a Single Room Occupancy Community Residence located at 1111 McIlhenney - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Member Sullivan absent. ORDINANCE 2008-1114 ADOPTED.

40. ORDINANCE appropriating \$517,364.62 out of Equipment Acquisition Consolidated Fund for Purchase of Fire Protection Ensembles under Contract No. C52538 with **LION APPAREL** – was presented.

Council Member Lawrence stated that this was over a source code and it was said to her; that she apologized she thought they were on Item 38; and Mayor White stated that while they were on the discussion for an item not in was this about Public Works; and Council Member Lawrence stated that she was going to talk about the hiring of a law office, as material came in, her concern was if it was well designated, they were hiring someone for \$150,000 and she wanted to see Legal step up to the plate and start suing to get the money back if it was a frivolous lawsuit, they continued to hire outside attorneys, cost to the city and the word was out to many firms to just sue the city as they had nothing to lose as the city would not sue them; that she was not saying that was the case here; and Mayor White stated that he would encourage the Legal Department in private and commercial practice then one thing you did on a check list when a claim was made against you was you considered what lawful and proper counterclaims there may be and often people had disagreements, but it did not mean they sued them, you need to look at the history of conduct between the two parties and he would ask that be done because he too was familiar with this item. Council Member Sullivan absent.

A vote was called on Item 40. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2008-1115 ADOPTED.

43. ORDINANCE appropriating \$200,000.00 out of Public Library Consolidated Construction Fund for CCTV and Access Control Equipment and Installation for the Jesse H. Jones Central Library and Julia Ideson Building under an existing contract with **BL TECHNOLOGY, INC - DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2008-1116 ADOPTED.
44. ORDINANCE appropriating \$337,108.93 out of Police Consolidated Construction Fund for the purchase of Security System Equipment, Computers and Telephones for the Houston Police Department New Property Room – was presented and tagged by Council Member Holm. Council Members Khan and Garcia out of the city on business. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding.
45. ORDINANCE appropriating \$126,046.47 out of Police Consolidated Construction Fund for the purchase of Security System Equipment, Computers and Telephones for the Houston Police Department New Mounted Patrol Facility – was presented and tagged by Council Member Holm. Council Members Khan and Garcia out of the city on business. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding.
46. ORDINANCE appropriating \$324,800.00 out of Police Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Construction Contract (approved by Ordinance No. 2007-1299) between the City of Houston and **PRIME CONTRACTORS, INC** for the Mounted Patrol Facility Relocation; providing funding for contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2008-1117 ADOPTED.
50. ORDINANCE appropriating \$16,400,000.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Energy Savings Performance Contract between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for City-Wide Traffic Signal LED Retrofit – was presented and tagged by Council Members Rodriguez, Green and Lawrence. Council Members Khan and Garcia out of the city on business. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez stated that he supported the item but needed more time to review the MWBE certification and participation levels. Mayor White, Council Members Johnson, Sullivan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck stated that this was regarding replacing the citywide traffic signal LED retrofit and her question was what would they do with the old bulbs; and Mayor White stated that he understood they were recycled by the vendor, but he would ask Ms. Stein to get that information to her. Council Members Johnson, Sullivan and Brown absent.

Council Member Lawrence stated that she was also curious as to what would be done with the bulbs, the contract said recycle, but she would like to know where they were recycling and verification they actually did; and Mayor White stated that also in the public record to Mr. Norman he would like to know if in Public Works he could get a chronology of events from the time he approved this and encouraged this be done years ago, he would like a chronology over the past 24 months of why it took this long for this to be done and a copy of the chronology should go to Council Members. Council Members Johnson, Sullivan and Brown absent.

MATTERS HELD - NUMBERS 76 through 76B

76. WRITTEN Motion by Council Member Holm to amend Item 76B below:

I move to amend Section 41-12(a) to read:

Definition. When used in this section, the term subdivision identification marker means a free-standing marker located in the median of a public street right of way or in excess public street right of way of a street within, intended to identify a residential community or residential development. ~~with 50 or more platted single-family residential lots. The city engineer may issue a variance for subdivision identification markers for a residential community or residential development with less than 50 single-family residential lots.~~ **(This was Item 7 on Agenda of November 19, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Council Member Holm presented a written Substitute Amendment to Agenda Item 76 as follow:

“I move to amend Section 41-12 (a) to read: (a) Definition. When used in this section, the term subdivision identification marker means a marker placed in the public right-of-way intended to identify a residential community or residential development with 50 or more platted single family residential lots. The city engineer may issue a variance for subdivision identification markers for a residential community or a residential development with less than 50 single family residential lots.”

Council Member Holm further stated that last week when she eliminated some of the language it was her impression it would further exempt smaller areas and apartments from participating or being a part of the encroachment, what she found out was it made them comply with the first encroachment ordinance they passed and so she reinstated that verbiage, but had added, and left in there “placed in the public right of way” under the definition of subdivision marker, because under Section C, she thought, it talked about registration and criteria for the markers and if they did not include in the definition “public right of way” it would be all markers rather than public or private would be subject to that, where in fact those were really applicable to the sign code. Council Members Sullivan and Brown absent.

Mayor White stated that they did support this particular amendment and called for the first, which was the amendment by Council Member Holm to Item 76. Council Members Sullivan and Brown absent.

Note: The vote was not given a motion number inasmuch as Council Member Holm had offered the written motion as a substitute to Item No. 76, not an amendment.

A vote was called on Item No. 76 as substituted. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Members Sullivan and Brown absent. MOTION 2008-0877 ADOPTED AS SUBSTITUTED.

76a. WRITTEN Motion by Council Member Holm to amend Item 76B below:

I move to amend Section 41-12(b) to read:

Encroachment permit required. A subdivision identification marker installed after December 31, 2008, in the median of a public street right-of-way or in unimproved excess public street right-of-way of a street within, abutting or adjacent to the subdivision must have an encroachment permit issued by the city engineer's office and shall not be subject to the requirements of the Houston Sign Code (Chapter 46 of the City of Houston Building Code). ~~A subdivision identification marker on private property must have a sign permit issued by the city's sign administration pursuant to the Houston Sign Code.~~ **(This was Item 7 on Agenda of November 19, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Mayor White stated that they supported this amendment and called for a vote. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Members Sullivan and Brown absent. MOTION 2008-0878 ADOPTED

76b. ORDINANCE adding a new Section 41-12, relating to Residential Subdivision Identification Markers, to Article I of Chapter 41 of the Code of Ordinances, Houston, Texas, **(This was Item 7 on Agenda of November 19, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Members Khan and Garcia out of the city on business. Council Members Sullivan and Brown absent. ORDINANCE 2008-1118 ADOPTED AS AMENDED.

Council Member Lawrence thanked Andy Iken for his work on the item, it gave structure to what could be in esplanades and she thanked Public Works for clarifying the situation. Council Member Sullivan absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS –

Council Member Johnson stated that he wanted to wish everybody a happy holiday season and as they moved into the Christmas season he hoped that those individuals who were helping to spur the economy and get them out of the recession that they be very careful and mindful of what was going on in the communities as they went out shopping. Council Members Sullivan and Noriega absent.

Council Member Johnson stated that a few weeks ago he went to China, that he went on his own dime, but had the opportunity of meeting with the some members of the Shenzhen Parliament and had met with the Vice Chair of the Congress; that Shenzhen was their Sister City and the Vice Chair expressed a desire for them to do more in respect to sending delegations over, many more of them being able to come back to China and Shenzhen to have some dialog; that the Mayor of Shenzhen was to come to Houston; that he would meet with Helen Chang and had made a commitment and would

make a plea for them to send a delegation to Shenzhen. Council Members Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Johnson stated that last night he had a meeting in the Fifth Ward Community at the Fifth Ward Missionary Baptist Church to discuss a halfway house that was being proposed in the Fifth Ward Community and one of the things that he knew they had discussed was the registration and/or their monitoring where the halfway houses were being placed; that the community expressed under no uncertain terms that this was not a particular organization that they would like to see in the community, that he wanted to make sure they had more regulations in place that dealt with properties such as this, that he wanted them to start looking at what they were doing in respect to halfway houses; that they needed to make sure they were careful as they were allowing these particular organizations to be in their neighborhoods, especially in their residential communities; that he thought they needed to come up with some regulations that put these types of venues in areas that were certainly not near schools or any of their senior facilities or day care centers; that he would need the Mayor's help as they tried to come up with plans to keep those organization out; that there would be a meeting on December 12, 2008, at 6:00 p.m. on Lyons Avenue to discuss this particular halfway house in the Fifth Ward Community. Council Members Sullivan, Rodriguez, Lovell and Jones absent.

Council Member Green stated that SEARCH recently did a sleep out for SEARCH and they were moving into their next project dealing with homelessness in Houston, that SEARCH was currently holding their annual Warm and Wooly Drive and to please consider making a donation for the homeless in the cold season by providing new or gently used coats, blankets, winter clothes, gloves, socks, hats, etc., that the donations could be delivered to SEARCH at 2505 Fannin and if they had any questions to call 713-739-7752; that there was a temporary line to help citizens who had been displaced from their residence by Ike and if they had any questions dealing with unliveable apartments or houses they could call 713-276-3955, that the information line was available between 8:00 a.m. and 5:00 p.m. during the week, or they could go to HoustonHurricaneRecover.Org; that since he had been in Council a good 50% or 60% of them had taken a trip or two to China and that relationship had been well worth the investment of time and energy and Helen Chang did an exemplary job handling those types of projects, that he knew they were very eager in China to continue that relationship and form more Sister City relationships. Council Members Johnson, Sullivan, Holm, Rodriguez and Lovell absent.

Council Member Brown stated that the Thanksgiving Day Parade and the Thanksgiving Day Feast were a marvelous thing that happened and they had huge crowds, that the feast was held at Hermann Square, that he thought it was a great thing they did; that he wanted to report on high speed rail in the State of Texas, that he met with Robert Eckels and was very impressed with the project progress that was being made; that it would be a high speed rail line that would link Houston, Galveston, IAH Airport and Dallas/Fort Worth, and then another leg that would go to San Antonio and Austin, that it would create an economic powerhouse of 15 million people; that there was some legislation that was going to be introduced in Austin this session of the Legislature and he hoped that it was part of their legislative agenda; that he was pleased to participate in Aids World Day, they had a candlelight vigil at Tranquility Park; that he had passed out a photograph of the corner of Wesleyan and Richmond, the northeast corner,

that a television reporter called him out to give a report on it, that it was a brand new sidewalk and was right next to a power center on the corner, that it was right in the middle of the handicap ramp, that they needed to adopt some standards of where the utilities went, that he did not know why when the construction documents were submitted to the City that a red flag did not go up; that it was happening all over the City and would be a good example of where they could put a conduit under ground and put all of that stuff under ground. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Mayor White stated that he agreed with him, that they had a warning for a fiber optic cable, a sign for no parking, right lane and diamond lane and bicycles only, that was in all likelihood required that they do have signage under the TEA Funding they got for a bike pass; and Council Member Brown stated that he agreed with Mayor White, that they could have a graphic illustration of how they could organize the various elements with some text, that it could simply be an addition to the Public Works Design Manual to show the difference conditions and where optimally the various signs and so forth would be placed. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Clutterbuck stated that following up on what Council Member Brown had brought up these were new projects in her district which she had been in conversation with the Public Works Department for quite some time, that there was a similar situation along Kirby Drive, that in her many discussions that she had with Public Works, including Reed Mersney, who insured her that it was a violation of the contract, they already had the rules in place, according to what she was told, that they needed to make sure they had it in place, why were they signing off on final payment on these, that she knew a lot of work was being done on the particular project on Richmond and they had been instructed to tear it up and reconfigure it, that it ought to happen before the cement had dried; that they were still waiting on the sidewalks along Kirby Drive to be restored adequately as well as these, that she was sure these were not the only projects in the City; that perhaps they would hear back from Reed, or Mr. Marcotte or other people and it would be conveyed to them the sense of urgency that they had and that they did not want it to limp along; that similarly were the Neighborhood Street Reconstruction contracts where they required that people sign the contract agreeing to be assessed, yet they had not assessed them in twenty years, that the instruction that they made at the Council table that the contract be changed she did not know if it was still in the Legal Department or where it was, but these were the types of things that were now going on three years that she had been talking about that particular issue and they would sure like to see them addressed, especially in the issues where they were pouring concrete and concrete was so expensive these days, that they needed to make sure that the contractors understood that it was part of their contract and that there were on the ground employees with the Public Works Department, who were the project managers on this, understood the significance of it. Council Members Johnson, Sullivan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he would be interested in who the project manager was and how frequently they checked and what that individual's explanation was when he or she saw a utility pole being put on an AD ramp if it was not authorized in the contract documents; that he was still learning on this and trying to understand and getting reports back about what that individual thought or did when they saw that. Council Members Johnson, Sullivan, Rodriguez, Brown and Green absent.

Council Member Noriega stated that they had two interns that were leaving tomorrow, they had done great jobs and were both from the University of Houston; that Claudia Blevins was going to have an internship through the Leeland Internship in the spring and were very proud that they had several of them in their office and go on to Washington, that the second was Bobbie Johnson and she had a project on BARC; that she wanted to tell them good luck. Council Members Johnson, Sullivan, Rodriguez, Brown and Green absent.

Council Member Noriega stated that they had the newest Police Cadet Class which started on Monday, December 1, 2008, that it was a big class and starting next year they were going to have several of these where they had the incentive and then they were going to have to look again where they provide some extra incentives to come and join the Police Department and she wanted to let people know that it seemed to be working, and they were making real progress in the area, that whether it was the economy or the incentive or what the issues were they were getting some policemen, some boots on the ground and they were proud of that. Council Members Johnson, Sullivan, Rodriguez, Brown and Green absent.

Council Member Noriega stated that yesterday there was a report released on red light cameras and the A&M group did an analysis and what they found was that there was an overall 30% decrease in collisions, that one of the reasons she wanted to mention it was that there was always discussion in the media about what they do in Council and she found that a lot of the things they were challenged with were a delicate balance between two competing values and this was a good example, that when it came to the legislature and she had an opportunity to vote on it she voted no, she was uncomfortable with the idea of having cameras on every corner, that when it was implemented and they began to have statistics on what occurred she was truly shocked at how many instances there were, that in some intersections there were 15,000 and 21,000 instances in a month's time of people running red lights, which was not safe, so having data then come out behind it that had real information about whether or not it was serving it's purpose was very helpful and she wanted to state how much she appreciated it and state that she had changed her mind on the issue. Council Members Johnson, Sullivan, Rodriguez and Green absent.

Council Member Adams stated that this week they celebrated World AIDS Day and she wanted to thank Mayor White and the Council Members who were out there for the comments made on Monday about the epidemic and she wanted to encourage everyone to make it a part of their life to educate those who were around them about HIV/AIDS and to encourage everyone to know their status, to get checked out and to encourage family members, especially those who were doing things promiscuously, that it was a day of celebration and education. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Green absent.

Council Member Adams stated that one thing she had learned over the last seven months, and after she looked over the data, there had been a lot of accidents that had been occurring by mopeds because everybody jumped out and started buying mopeds, thinking they were saving gas, but they had lost some lives and there had been some people who had been seriously injured because of mopeds, so she would encourage everyone to remain safe, that she wanted to encourage everyone if they were looking at

mopeds to please get the training that was necessary to drive these. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Green absent.

Council Member Adams stated that she wanted to thank the Homeless Coalition of Houston and Harris County, that she received the Sally S. Shipman Homeless Award, that she wanted to publicly thank them for that; that she wanted to thank the South Park Super Neighborhood Community for meeting on Monday, under the leadership of Charles White and for continuing to bridge the gap among the communities and City departments, that she knew that on Thursday they would be having the Community Partnership Breakfast at South Union Church; that she wanted to congratulate KIP Liberation College Prep who was having their groundbreaking this week on Martin Luther King and getting ready to open up a new KIP Academy, that hopefully it would be near the new Palm Center Library and the students would be able to utilize that; that she wanted to congratulate Pro Vision Charter School, that yesterday they had a grand occasion and she was able to meet some of the Houston Texan players and wanted to congratulate them on their win on Monday night, that with their partnership with Pro Vision she was out there to celebrate the groundbreaking of the new football field and to make sure they were made aware of the contribution due to the CDBG Grant money that was provided by the City Council of \$250,000 to KIP for their organization; that during the holiday season she would like to encourage the spirit of volunteerism and to ask those who wanted to volunteer for agencies or organizations to actually go out and see how they could lend a helping hand; that on Thursday Mayor White would be honored at the Southeast Coalition of Civic Clubs for his dynamic leadership of being Mayor so she wanted to congratulate him; that today they passed an ordinance about the pawn shops and she would like for them to look at that and when they went to legislature this year that they would be able to regulate these ordinances so they could have some type of authority locally; that she wanted to wish everybody a happy holiday season and God bless Houston. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to offer her prayers and condolences to the victims of Mambai, India; that she was sad that the Houston Comets would not be here, that she had season tickets from day one to day last; that she and Council Member Noriega were at the unveiling of the Eli Escobar II statue at Guadalupe Park, that it was wonderful; that she and Council Members Lovell and Garcia attended the Transgender Day of Remembrance where they remembered people who died because of who they were; that she wanted to offer her condolences to the family of Jubia Delangoon, who was a leader in the Nigerian Community and died unexpectedly, that he was the editor, owner and publisher of the PUNCH Newspaper; that she wanted to offer a speedy recovery to Chris Banks who worked for Council Member Adams; that she wanted to thank the fall interns who worked in At Large 5, Ashley McDonald and Esimai Evay, who went by Rose Kate, that they were from the University of Houston and did excellent work; that the Thanksgiving Day Festivities they had at Hermann Square were positive, that she was able to feed people, that it amazed her the number of people who were in line with their children to get clothes, that they gave clothes and shoes to families who needed it, that whenever they started to do their spring cleaning to please bring clothes to the City because they do give them out; that she saw Council Members Lawrence, Lovell and Holm at the Inaugural of the Greater Houston Women's Hall of Fame Gala, that she wanted to commend all who were honored at the gala; that this

Thanksgiving they went to eat at her Mom's. Council Members Johnson, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Lovell stated that they would have a Transportation, Infrastructure and Aviation Committee meetings on December 9, 2008, Tuesday, at 10:00 a.m. in the Council Chamber, that the items on the agenda were the Public Parking Commission, the Annual Report for Fiscal Year 2008 and Chapter 26, the Parking Ordinance; that the Quality of Life Committee would meet on Wednesday, December 10, 2008 at 2:00 p.m. in Council Chambers and first would be discussion of Campus Signage, which was her commitment to Council Member Clutterbuck that they would move that forward and next would be revision to the Tree and Shrub Ordinance; that the pictures that Council Member Brown brought today she hoped that he reported the graffiti on the side of the utility box as he was there; that she was disappointed that they had lost the Houston Comets and she wanted to thank Mayor White because she knew he sent out some letters encouraging investors, that she wanted to say thank you to a team who gave them some incredible moments, that she would say if it was a man's team the City would be up in arms if they lost a four time championship, that there were women in the City who had money and could invest in the team and market it in the right way and come back, that she wanted to thank the players for the wonderful moments and wished them all the best; that their neighbor Galveston, which had been devastated by Hurricane Ike, this weekend they were going to do Dickens on the Strand and she would encourage everyone to go to Galveston on Saturday, December 6, 2008 and Sunday, December 7, 2008 from 10:00 a.m. to 6:00 p.m., so the Historical Foundation could continue to restore and preserve the wonderful homes on the Strand; that the Mayor's holiday celebration was on Friday and she wanted to thank Reliant for sponsoring it and Debra Duncan for being the hostess, that it would be on December 5, 2007 at 6:00 p.m. at Hermann Square; that they had Captain Unruh who was seriously hurt on November 3, 2008, he suffered third degree burns and smoke inhalation, that they had been monitoring his status, that as of Sunday he still remained in critical but stable condition, that he still had no visitors but his family welcomed visitors in the Family Room on the 8th floor of Jones Pavilion at Memorial Hermann Hospital; that also Firefighter Dennis Valencia, who suffered first and second degree burns on November 3, 2008, was treated and released from Memorial Hermann Hospital and was assigned to Fire Station 34, that they wanted to thank their families and the firefighters for the courage. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that on behalf of 2.2 million people in the community he wanted to thank the neighbors and members of the congregation to come together to really lift up Jill and her kids while she was there in the hospital, that he was proud of the men and women of the Fire Department who kept the family in their prayers and thoughts; and Council Member Lovell stated that the Houston Texas Firefighters Federal Credit Union had set up an account for Captain Unruh and his family and for anyone who wanted to give the account number was 231794. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that ARA's Budget for 2009 for coin operating machines was \$400,000, that the task force that she and the Mayor wanted to see get under way for the Gaming Ordinance due to organized crime in the facilities did finally

get on ground in mid November, that 4,884 machines were issues citations, that just money coming in to legally register those machines was \$405.000 so that was way over budget, that if they were not all thrown out of Municipal Courts the City would probably have about \$1 million extra, that the task force was running very low and had closed 150 facilities at this point, that with the money she hoped they keep the task force going, that they felt if they could extend another two or three months they would close down every illegal gaming place in the City of Houston, that with that money set aside and without the handhelds they were running out of money so they would then disband and go back to DRT Officers, but she thought it was something that really impacted the City. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:37 a.m. Council Members Khan and Garcia absent out of the city on business. Council Member Sullivan absent. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

/S/Anna Russell

Anna Russell, City Secretary