

City Council Chamber, City Hall, Tuesday, December 9, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 9, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; 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. Marta Crinejo, Assistant Agenda Director present.

At 1:54 p.m. Mayor White called the meeting to order and stated that Council Member Sullivan would begin presentations. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan invited Nabor Mireless to the podium and stated that twelve young writers were selected from across the nation by Time Magazine for their writing and Nabor was selected and would interview national leaders, etc.; that his writing was entitled "Dark Days in Ike's Wake"; that he was gifted and a shining example of Houston's best; and he presented him a Proclamation wishing him continued success and proclaiming today as "Nabor Steven Mireless Day" in Houston, Texas. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Members congratulated Nabor on his success. Nabor stated that he was honored being at City Hall and thanked all for the recognition and his family for their support. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan invited representatives of Ikea to the podium and stated that Ikea representatives were present today to present a check to the City of Houston; and Ikea representatives presented Mayor White with a check for \$76,196.77 for the Hurricane Ike Fund; and Mr. Johnny Anderson, a representative of Ikea thanked the Mayor for all the work done and stated that the check was for the Ike Relief Fund. Mr. Albert Myers stated that Ikea was closed for two weeks because of the storm and they still paid their employees. Council Members Johnson, Clutterbuck, Holm, Garcia, Rodriguez, and Jones absent.

Council Members thanked the Ikea Team and Mr. Myers and expressed appreciation for such a wonderful gesture. Council Members Johnson, Clutterbuck, Holm, Garcia, Rodriguez, and Jones absent.

Mayor White stated that the check was very timely and appreciated because funds were about exhausted; that he took what citizens said seriously, but would have to excuse himself for a hearing regarding federal funding to be expended in Texas due in March or April and that was not timely; that he would be testifying at the hearing as the state proposed to withhold 15% of the \$1.3 billion allocated for Texas. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia and Rodriguez absent.

Council Member Green stated that today was a great day for a tribute to a young man, Mr. Quentin Mease and invited Mr. Mease and those with him to the podium. Council Member Green stated that Mr. Mease had worked to bring many changes and was present for his 100th birthday; and presented him a Proclamation for all his good works and proclaiming today as "Quentin Mease 100th Birthday Day" in Houston, Texas. Council Members Lawrence, Johnson, Clutterbuck, Holm and Garcia absent.

Mr. Mease thanked all for the recognition. Council Members Lawrence, Johnson, Clutterbuck, Holm and Garcia absent.

Council Members thanked Mr. Mease for all his work, congratulated him on a well deserved recognition and wished him happy birthday, then all sang Happy Birthday to him. Council Members Johnson, Garcia and Brown absent.

At 2:20 p.m. Council Member Adams read "A Soldier Is The Gift During this Season"; and led all in prayer and the pledge. Council Members Johnson, Garcia and Brown absent.

At 2:30 p.m. the City Secretary called the roll. Council Member Garcia absent.

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

Council Member Noriega stated on a point of personal privilege she wanted to welcome the Houston Area Outreach Coalition who were working at Fondre and Fondren Middle School and brought students who were a part of the Smart Council; and asked that they stand to be recognized. Council Members Holm and Garcia absent.

At 2:31 p.m. the City Secretary began calling the public speakers. Council Member Sullivan absent. Council Members Holm and Garcia absent.

Mr. Ron Meinke, 7902 Oakington #200, Houston, Texas 77071 (713-774-4414) appeared and stated that he was president of the Southwest Houston 2000 and was present asking support for Agenda Item 34th, the purchase of property for District 17 for a new HPD Substation to be built. Council Members Garcia, Lovell and Jones absent.

Mayor White stated that he thought they would get approval; it was a long time coming. Council Members Garcia, Lovell and Jones absent.

Mr. James Myers, 10103 Fondren #301, Houston, Texas 77096 (713-595-1221) appeared and stated that he was director for Community Service for Braes Oak Management District located in the former Fondren Southwest Area of Houston, and was present asking for support of Agenda Item 34. Council Member Garcia absent.

Mayor White thanked Mr. Myers for his tireless efforts in the community. Council Member Garcia absent.

Council Member Clutterbuck thanked Mr. Myers and Mr. Meinke for expressing support of the item and expressed to the students present the police station was for their area and it was exciting and timely they were present today. Council Members Adams, Garcia and Rodriguez absent.

Mr. Frank Pyrtle, 8631 Damascus, Houston, Texas 77088 (281-703-9159) had reserved time to speak but was not present when his name was called. Council Members Adams, Garcia and Rodriguez absent.

Mr. Jeffrey Bonilla, 6333 S. Braeswood, Houston, Texas 77096 (713-778-3360) appeared and stated that he was with Fondren Middle School and proud to be a part of the Be Smart Program; that they were required to each complete 10 hours of documented service learning before the winter break and after a total of over 6,500 hours of service would be volunteering and they were proud of their accomplishments; that a major project was the peace garden and he encouraged all schools to join in bringing hope and peace to schools; that they were making

this a tribute to Max Torrez and invited all to their ceremony. Council Members Adams and Rodriguez absent.

Council Member Noriega thanked Mr. Bonilla for coming and for their work as they were the future of Houston. Council Member Rodriguez absent.

Upon questions by Council Member Khan, Mr. Bonilla stated that they also did gardening and recycling; and Council Member Khan saluted them all for their work and wonderful presentation and stated that he hoped other schools would join in. Council Members Rodriguez, Lovell and Green absent.

Council Member Garcia stated that he visited their campus many times and Max Torrez was a tremendous individual and was proud what they did was in tribute to him and his memory; that he was a tremendous advocate for youth. Council Members Holm, Rodriguez, Lovell and Green absent.

Ms. Yolanda, Mayers, 2000 Tidwell #505, Houston, Texas 77093 (832-368-9800) appeared and stated that she was a former employee in the Solid Waste Department and was present asking the department be looked into; that she had resigned and then terminated the next day after she had resigned; that they picked up contaminated materials and supervisors harassed women, sexual harassment and lying on them; that she filed a grievance before and then resigned because she was going through depression with problems with supervisors, etc., Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Johnson, Ms. Mayers stated that she wanted someone to look into the Solid Waste Department, much went on and sexual contact with females to keep positions; that she complained and resigned and then the director came and she was told she was terminated; that she submitted her complaint to Tracy, within the department, she never received an EPE. Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Adams, Ms. Mayers stated on her first hire she was there 1-1/2 years then rehired and back six months and resigned November 6th; that she came back November 7th not knowing her resignation was accepted; that they had asked her to resign; that she had all her credentials, she had reported to work the next following day and met with Director Hayes and all accepted her termination. Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Carol Harrison, 4306 Friarpoint, Houston, Texas 77047 (713-676-1108) appeared and stated that she was founder of Why Me/ Kids Living with DAPS (Drug Addicted Parents) and she was present asking for help for them; that they lived a life they did not need to because of their parents, they wanted to give them closure and get a sponsor to start her organization to make their lives better. Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Johnson, Ms. Harrison stated that she has taken in five girls, family friends, her organization had no 501c3 and wanted support in how to get her organization up and running; and Council Member Johnson stated that there were social service organizations to show her the ropes and he would be in contact with her. Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that Ms. Vasquez would visit with her. Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Shah Gu, 7001 Corporate Drive, Houston, Texas 77036 (832-771-0226) appeared presented information and stated that today they were present to inform all of a significant event by the Divine Performing Arts, a performance to take place at Jones Hall December 22-23, 2008, it was culture and belief of Chinese culture and benefited all around the world reminding all of traditional values lost; that they would perform in 70 cities around the world and their website was divineshows.com/Houston or call 281-715-6369; thanked all for support in past years and invited all to the performance. Mayor White, Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Ms. Gu for coming. Mayor White, Council Members Adams, Sullivan, Holm, Rodriguez, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Tom Arjmandi, 201 S. Heights Blvd. #118, Houston, Texas 77007 (281-253-5819) appeared and stated that he heard last week a suggestion the city begin issuing permits for foreclosures within city limits and thought it a good idea, fixed at a 1% of mortgage value would be similar to issuing occupancy permits and it would generate revenue and offset the loss of property value foreclosure caused; that in the city limits on average foreclosure sales were resulting in a 30% reduction in property value and would be lower taxes, etc., then the city could be in position to make sure the party seeking the foreclosure permit was the one and holder of the mortgage note in question and not someone doing this for their own internal reasons. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that it was an interesting concept and asked he share his remarks with Ms. Vasquez so they could look at it. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. J. Alchatta, 9511 Vilven, Houston, Texas 77080 (281-360-2229) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Kedron Collins, 17150 Quail Park, Missouri city, Texas 77489 (832-885-0053) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Dr. Thaddeus Lott, 3931 Holder Forest Drive, Houston, Texas 77088 (281-445-9911) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Carol Samuel, 4531 Perry, Houston, Texas 77021 (713-747-0171) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Dorothy Amos, 1439 Diplomat Way, Houston, Texas 77088 (281-999-3241) appeared and stated that she was present regarding the park to be placed in her area, it was not a good idea, years earlier someone sat there and shot and people; that what they wanted was a YMCA

and it would be beneficial to all. Mayor White, Council Members Sullivan, Holm, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Garcia stated that he understood there had been communication with the Mayor's Office and Parks Department. Mayor White, Council Members Sullivan, Holm, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Johnson stated that money being placed in the park would hopefully encourage families to attend and enjoy; that regarding the YMCA they had received calls for and against it, but in talking with the YMCA and upon receiving a letter from them they stated that at this time they could not place a "Y" at this time, but there would be lighting and other amenities there to make the park better and family friendly. Mayor White, Council Members Sullivan, Holm, Lovell, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Lutisha Gentry, 1518 Tarberry road, Houston, Texas 77088 (281-448-6884) appeared and stated that she too was present asking for a YMCA in the area as it would be more beneficial for the seniors and there were more seniors in the neighborhood. Mayor White, Council Members Sullivan, Holm, Lovell, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Summer Wright, P. O. Box 20288, Houston, Texas 77225 (832-891-5127) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Sullivan, Holm, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Sitrenia Gilyard, P. O. Box 20288, Houston, Texas 77225 (832-890-8956) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Sullivan, Holm, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Cathy Brown, 9601 W. Montgomery, Houston, Texas 77088 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Sullivan, Holm, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. William George Thompson, Jr., 514 Bizerte, Houston, Texas 77022 (713-692-1436) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Jossie Garcia, 725 E. Little York, Houston, Texas 77076 (713-742-8449) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Sullivan, Holm and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell moved the rules be suspended for the purpose of allowing Ms. Monica Ruiz to speak in place of Ms. Jossie Garcia, seconded by Council Member Rodriguez. All voting aye. Nays none. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Green and Jones absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0879 ADOPTED.

Ms. Monica Ruiz appeared and stated that she was an eighth grader at Fondren Middle School and proud to be a part of the Be Smart Council which stood for be successful motivated active and responsible teams and a team with the Houston Area Outreach Coalition schools throughout Houston and involved in improving their school and this year they recycled over 2,000 pounds of paper and they were saving their environment; that a dear friend of the greater Houston community passed away a few weeks ago and his dream was to unite the heart of Houston through the Peace Garden Project and the first tree was planted at Sam Houston High School a few years ago; that his vision was now their vision and they would be planting at their school and invited all to their celebration for peace and hope. Mayor White, Council Members Sullivan, Holm, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that she had promoted the recycling project for Houston and was very excited for them; and congratulated them on the project. Mayor White, Council Members Sullivan, Holm, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia congratulated the students for being in the Be Smart Council and thanked those present with them for all they did. Mayor White, Council Members Sullivan, Holm, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

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 Sullivan, Holm, Rodriguez, Lovell, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Schumann Rafizadeh, 806 Man #1200, Houston, Texas 77002 (281-384-0175) appeared and stated that he was present thanking Council for opportunity to speak last week and wanted to report with the help of competent secretaries they would be going forward on presenting their proposal and hopefully be able to generate increased revenue for the city in permitting for commercials. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he understood he had an appointment to visit with staff and anytime someone came with an idea to save money they paid attention. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she thanked them for accepting to work with them to get funding they needed for a YMCA and she had maps of the project and petitions of their community with her if anyone wanted to run them off. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that the gentleman with Citizens Assistance would get her information. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Terence Branch, 4104 San Jacinto, Houston, Texas 77004 (832-882-8836) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) had reserved time to speak but was not present when his name was called.

Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

At 3:21 p.m. City Council recessed until 9:00 a.m., Wednesday, December 10, 2008. Mayor White, Council Members Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 10, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

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

At 9:39 a.m. Mayor White called the meeting. Council Members Johnson, Brown and Lovell absent.

MAYOR'S REPORT

Council Member Clutterbuck moved to suspend the rules to consider Item No. 34 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Brown and Lovell absent. MOTION 2008-0880 ADOPTED.

34. ORDINANCE appropriating \$459,439.00 out of Police Consolidated Construction Fund (Fund 4504) and approving and authorizing Purchase and Sale Agreement between **SUN NLF, L.P.**, Seller ("Seller") and the City of Houston, Texas, Purchaser (the "City"), for the purchase of 2.7 acres [Parcel IY9-001], more or less, tract of land located at the corner of South Gessner and WestPlace Drive, Houston, Harris County, Texas for the relocation of District 17 Headquarters of the Houston Police Department - **DISTRICT C – CLUTTERBUCK** - was presented. Council Member Lovell absent.

Council Member Clutterbuck stated that was to purchase a little over 2 acres of land in the Fondren southwest part of town for the relocation of the District 17 Headquarters of the Police Department, that it had been operating out of strip shopping center and they had been paying \$1 per year for the opportunity to operate out of it; that there were several people in the audience that she wanted to acknowledge and thank them, that it showed the level of dedication that they had over the last 12 to 15 years in fighting for a real proper Police Station in their neighborhood to service the southwest Houston area, and asked that they stand and be recognized for all of their hard work and dedication.

Members of Council thanked Mayor White for getting the item on the agenda and to Council Member Clutterbuck for her tenacity and leadership.

After further discussion by Council Members, Mayor White stated that he thought there could be a lesson from the activism of the group and the elected leadership which was that when they traced some of the great improvements in safety, that they quoted yesterday from a particular patrol beat, and they could see throughout District 17 for that matter, it took a combination of a number of things and it started with folks who were committed to their neighborhoods, they had to have that infrastructure, neighborhood organizations, then it was bringing up the quality of the apartment stock and the Neighborhood Apartments to Standard

Program, which they hoped with the CDBG funds they would be able to expand, then it was also having some of those amenities, the services provided by neighborhood centers, that the interaction between police patrol and the local churches and congregations had been an incredible program, non profit organizations, the internet bubble they were putting up, the E library, that when they added up all those things then they saw the results and a lot of people talked about these things but in their hearts they thought how could they change things because it was so big, but they had been able to get a start, and just last night, Council Members Lawrence and Johnson, they were reviewing the progress they made there and seeing how it could be applied to another area of town around the Antoine area where there was a very high concentration of apartments that began as market and appealing to working people and people from all backgrounds but had become dilapidated and the mix of retail, social services and education, that what the principle had done at Lee High School was really remarkable, that it drew people there, so it was a combination of all those things, a lesson for them all.

A vote was called on Item No. 34. All voting aye. Nays none. ORDINANCE 2008-1119 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of **DR. MARTIN BASALDUA**, to Position Seven, to the **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON) BOARD OF DIRECTORS**, for a term to expire December 31, 2009 - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0881 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **DR. STEPHEN HEAD (Lone Star College System Representative)**, to Position Eight, to the **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT ZONE) BOARD OF DIRECTORS**, for an unexpired term ending August 31, 2009 - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0882 ADOPTED.
3. RECOMMENDATION from Mayor's Office of Government Affairs for renewal of Annual Membership in the **HOUSTON-GALVESTON AREA COUNCIL** - \$78,145.24 - General Fund - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0883 ADOPTED.
4. RECOMMENDATION from Director Houston Airport System for approval of membership fees in the Airports Council International (ACI) for the period January 1, 2009 through December 31, 2009 - \$199,070.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0884 ADOPTED.

ACCEPT WORK - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$702,876.33 and acceptance of work on contract with **BOYER, INC** for Repair of Elevated Parking Garage Structure Located at 4200 Leeland - 3.77% under the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye.

Nays none. MOTION 2008-0885 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,618,649.98 and acceptance of work on contract with **CSA CONSTRUCTION, INC** for Sims Bayou WWTP Improvements (Package 1) - 8.09% under the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0886 ADOPTED.

PROPERTY - NUMBERS 7 through 9

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. Bertha Mae Mitchamore, et al., Cause No. 07-09-09826; for acquisition of Parcel CY5-026; for the **KINGWOOD WEST WASTEWATER TREATMENT PLANT PROJECT (fka: MUD No. 48) DISTRICT B - JOHNSON** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0887 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, on behalf of Houston Independent School District, for abandonment and sale of Nance Street, from Cage Street to Bringhurst Street, located in the Cage Addition, Parcel SY9-023 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0888 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, on behalf of Houston Independent School District, for abandonment and sale of Nett Street, from Sandman Street to Roy Street, and two 15-foot-wide alleys in Blocks 62 and 65, all located within Brunner Addition, Parcels SY9-024A, SY9-024B and SY9-024C - **DISTRICT H - GARCIA** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0889 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 15

10. ORDINANCE appropriating \$5,629,606.92 out of Equipment Acquisition Consolidated Fund for the purchase of Firefighting Trucks for the Fire Department - was presented. All voting aye. Nays none. ORDINANCE 2008-1120 ADOPTED.
- 10a. **TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC** for Firefighting Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Fire Department - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0890 ADOPTED.
11. ORDINANCE appropriating \$235,000.00 out of Equipment Acquisition Consolidated Fund for the purchase of Strategic Information Planning and Implementation Consultant Services for the Houston Department of Health and Human Services - was presented. All voting aye. Nays none. ORDINANCE 2008-1121 ADOPTED.

- 11a. **GARTNER, INC** for Strategic Information Planning and Implementation Consultant Services for the Houston Department of Health & Human Services - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0891 ADOPTED.
12. **ANDRITZ SEPARATION, INC** for Centrifuge Repair and Overhaul Services for the Department of Public Works & Engineering - \$60,576.00 - Enterprise Fund - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0892 ADOPTED.
13. ORDINANCE appropriating \$3,213,511.00 out of Equipment Acquisition Consolidated Fund and \$1,349,843.00 out of Reimbursement of Equipment/Projects Fund for the purchase of Cabs and Chassis and Refuse Bodies for the Solid Waste Management Department - was presented. All voting aye. Nays none. ORDINANCE 2008-1122 ADOPTED.
- 13a. **HOUSTON FREIGHTLINER, INC** - \$1,723,853.00, **DUNCAN FREIGHTLINER, L.P.** - \$528,200.00, **SANTEX TRUCK CENTER, LTD** - \$378,300.00, **McNEILUS FINANCIAL d/b/a McNEILUS TRUCK AND MANUFACTURING, INC** - \$1,086,755.00, **CHASTANG'S BAYOU CITY FORD** - \$255,612.00 and **TEXAS WASTE EQUIPMENT, INC d/b/a HEIL OF TEXAS** - \$590,634.00 for Cabs & Chassis and Refuse Bodies through the Interlocal Agreements for Cooperative Purchasing with BuyBoard and Houston-Galveston Area Council for the Fire Department - had been pulled from the Agenda by the Administration, and was not considered.
14. ORDINANCE appropriating \$266,975.00 out of Equipment Acquisition Consolidated Fund for the purchase of Heavy-Duty Trash Collection Trailers for the Solid Waste Management Department - was presented. All voting aye. Nays none. ORDINANCE 2008-1123 ADOPTED.
- 14a. **RUSH TRUCK CENTERS OF TEXAS, LP d/b/a RUSH TRUCK CENTER HOUSTON** for Heavy-Duty Trash Collection Trailers for the Solid Waste Management Department - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0893 ADOPTED.
15. **AMEND MOTION #2005-1198, 12/14/05, TO EXTEND** expiration date from December 20, 2008 to December 19, 2009, for Lumber for Various Departments, awarded to **BISON BUILDING MATERIALS, LTD.** and **BIG Z LUMBER COMPANY** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0894 ADOPTED.

Council Member Sullivan stated that he wanted to recognize Dr. Martin Basaldua and asked that he stand and be recognized and Mayor White thanked him for his service, and Council Member Sullivan stated that Dr. Basaldua was a former Vice Chair of the Higher Education Board and a former Member of the Board of Trustees in the North Harris Montgomery Community College District, founder of Kingwood Medical Center and recently started a new branch of banks and they were grateful they were in the City of Houston, one in Kingwood and one in Clear Lake; that he wanted to thank Mayor White for nominating him and recommending him to City Council.

ORDINANCES - NUMBERS 20 through 50

20. ORDINANCE approving and authorizing Purchase and Sale Agreement, a Special

Warranty Deed and a Development Agreement between the City of Houston, Texas, seller, and **LIGHTHOUSE FOR THE BLIND OF HOUSTON**, purchaser, for two tracts of land (Parcels SY9-019A and SY9-019B) containing an aggregate of 2.316 acres of land, more or less, located at 3602 West Dallas Street and 3530 West Dallas Street in the J. Austin Survey, A-1, Harris County, Texas, for the purchase price of \$2,068,000.00 and other consideration - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1124 ADOPTED.

21. ORDINANCE approving and authorizing Operation and Maintenance Agreement between the City of Houston, Texas, as owner and **BRAEBURN GLEN CIVIC CLUB** as operator for approximately 24,998 square feet of real property located at 9550 Braeburn Glen Boulevard, Houston, Harris County, Texas, to be operated and maintained as a Neighborhood Community Events and Recreational Facility - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1125 ADOPTED.
22. ORDINANCE consenting to the addition of 52.6423 acres of land to **EMERALD FOREST UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1126 ADOPTED.
23. ORDINANCE consenting to the addition of 0.7674 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1127 ADOPTED.
24. ORDINANCE consenting to the addition of 17.8733 acres of land to **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1128 ADOPTED.
25. ORDINANCE consenting to the addition of 165.52 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1129 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON VOLUNTEER LAWYERS PROGRAM, INC** to provide \$100,000.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for Legal Supportive Services - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1130 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **MARJO HOUSE, INCORPORATED** to provide \$155,150.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds to cover the administration and operation of a Community Residence located at 1706 Gellhorn, Houston, Texas - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1131 ADOPTED.
33. ORDINANCE appropriating \$1,000,000.00 out of Public Library Consolidated Construction Fund for Materials and IT Equipment for the Vinson Neighborhood Library - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1132 ADOPTED.
35. ORDINANCE appropriating \$1,800,000.00 out of HAS-Airports Improvement Fund (8011);

authorizing the purchase of land and improvements thereon out of the Jacob Armstrong Survey, (A-89) (near 8116 FM 1960 Road West), Houston, Harris County, Texas, for expansion of George Bush Intercontinental Airport Houston (IAH) CIP A-0082.20 and A-0082.22; approving Purchase and Sale Agreements with owners of the land (Bertha Mae Taylor and Normie Lee Taylor) **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1133 ADOPTED.

37. ORDINANCE amending Ordinance No. 2005-833 (passed on June 29, 2005) to increase the maximum contract amount for contract between the City of Houston and **SECURITY INTEGRATORS & CONSULTING, INC** for Security System Maintenance Services for General Services Department - **DISTRICTS B - JOHNSON; E - SULLIVAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1134 ADOPTED.
38. ORDINANCE approving and awarding contract between the City of Houston and **NUCOMM, INC** for a Public Safety Digital Video Helicopter Downlink System for the Mayor's Office of Public Safety and Homeland Security; providing maximum contract amount - \$3,948,791.65 - Homeland Security Grants - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1135 ADOPTED.
39. ORDINANCE appropriating \$183,710.00 out of Parks Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Construction Contract (Approved by Ordinance No. 2007-72) between the City of Houston and **APACHE SERVICES, INC** for Construction of Townwood Park; providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1136 ADOPTED.
40. ORDINANCE appropriating \$149,984.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing an amendment to Professional Engineering Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Neighborhood Street Reconstruction Project 455 (approved by Ordinance No. 06-0506); providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1137 ADOPTED.
41. ORDINANCE approving and authorizing contract between the City of Houston and **HARRISON LAW OFFICE, P.C.** for Litigation Support Services - \$150,000.00 - CIP Salary Recovery Fund - had been pulled from the Agenda by the Administration, and was not considered. Council Member Sullivan absent.
42. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Funding the Purchase of a Radio Tower to be installed at the Houston TranStar Center - \$91,163.00 - Greater Houston TranStar and Emergency Center Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1138 ADOPTED.
43. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Funding the Purchase of 911 Grade Telephone Switching Equipment for the Houston TranStar

Center \$30,995.00 - Greater Houston TranStar and Emergency Center Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1139 ADOPTED.

44. ORDINANCE appropriating \$842,650.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of State Highway 6 from 0.6 mile north of IH-10 to 0.7 mile south of IH-10 (approved by Ordinance No. 2003-1159) **DISTRICTS A - LAWRENCE and G - HOLM** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1140 ADOPTED.
46. ORDINANCE approving and authorizing Utility Service Contract between the City of Houston and **FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2** to provide water service to Beltway Plaza - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1141 ADOPTED.
47. ORDINANCE approving and authorizing an amendment to the agreement between the City of Houston and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** for Sanitary Sewer Conveyance to the Blackhawk Wastewater Treatment Plant; providing a maximum contract amount - \$85,201.60 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1142 ADOPTED.
49. ORDINANCE appropriating \$609,400.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Storm Water Management Projects - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1143 ADOPTED.
50. ORDINANCE appropriating \$3,464,536.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1144 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ORDINANCES

16. **ORDINANCE AMENDING CHAPTERS 5 and 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to licensing requirements for game rooms and requirements for structures containing game rooms with amusement redemption machines; providing for severability; providing for an effective date – was presented.

After discussion, Council Members thanked the administration for Item No. 16 and all who had worked on the issue; and Council Member Brown stated that he had proposed in the past that they have a provision for an occupancy permit and set conditions by which that operating

permit could be revoked and proposed that the Legal Department prepare a brief to tell him and the Council why they could not do that and shut these down,

Mayor White stated that with the Mayor Pro Tem and those who would be on the Council, and he would visit with Chief Hurtt about it to, that he was sure everybody paid their taxes and that none of it was a cash business, but they ought to think about what they did regionally working with federal law enforcement on some of this because it was a very serious thing and he could tell them that law enforcement said that when they had people who had federal penitentiary sentences for things like tax evasion then it did send a signal throughout and that was something they needed to look at on this illegal gambling; that to Mr. Michel, he thought it was worth it, that they did cover it about six months ago and went through the statute and it's references to toys and whatever it was and asked if they could provide that to Council Member Brown and whoever wanted it to be provided it to, and the Mayor Pro Tem had asked about the Legislative agenda and he thought that most of them would prefer, in whatever capacities they served, that he had talked to former Council Member Alvarado who was now the State Representative, that the ordinances dealing with civility and crime and that kind of thing, instead of the Legislature legislating what they should not do and how they should do it, why not have the municipalities that were responsible for this make their own ordinances, that obviously they could not make anything unconstitutional but that was an argument that they could make on a lot of things; and to Mr. Michel, maybe it could be a short memo between him and Ms. Travis, that he understood that there were four bills that had been filed already that would allow municipalities to have greater authority to regulate the conduct and they would have a Mayor's Report on it, or maybe a committee as a whole, but it was a good thing for members of the body, and he would encourage them, to go to Austin one, two or three times during the session to remind people of why it was important to the constituents that so many of them shared in Austin. Council Member Johnson absent.

A vote was called on Item No. 16. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2008-1145 ADOPTED.

17. **ORDINANCE AMENDING THE HOUSTON SIGN CODE** relating to Electronic Signs; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. Council Member Johnson absent.

After discussion by Council Members Holm and Sullivan a vote was called on Item No. 16. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2008-1146 ADOPTED.

18. ORDINANCE amending fifth amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; ratifying and confirming reduction of liquidity commitment - was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Rodriguez absent. ORDINANCE 2008-1147 ADOPTED.
19. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299, providing for the issuance of Combined Utility System Revenue and Refunding Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding Bonds, Series 2008E, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes; authorizing a Bond Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement - was presented. All voting aye. Nays none. Council Members Johnson and Clutterbuck absent. ORDINANCE

2008-1148 ADOPTED.

26. ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at **1524 ALLSTON STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GARCIA**

Council Member Sullivan stated that the tax money that the City of Houston was giving up made him leery of just approving these when they came up to Council and procedurally he would like to ask if the City finance department, and he just thought of it, went to the District Council Members whose location it was in to let them know it so that they would know whether or not the Council Members were briefed on the ad valorem tax numbers in advance or was it just a procedural issue, and Mayor White stated that the approval of the landmark designation occurred on the structure, and he would find the answer to his question and would get the answer to him. Council Member Johnson absent.

Council Member Lovell stated that this did not exempt anybody from their property taxes in any way, shape or form, that it was exempting the money that was spent on the renovation of the home; that in other cities where they were really serious about historic preservation, as they were becoming, there was usually a preservation fund where they could access a grant or low interest loan to go and do the renovation on their home; that whether it was a \$5 million home or a home worth \$30,000, if it had historic preservation significant to the City, they wanted to preserve, that in this City they did not have that sort of fund yet. Council Member Johnson absent.

Mayor White stated that on Council Member Sullivan's point he was one of the first to point out that they ought to be very careful about anything that would be a tax abatement or could be applied at some kind of discriminatory fashion based upon who hired the best consultant or something like this; that in this case it was, in his view, a conservative market oriented way to incentivize, not only the improvements, which were expensive, but the encumbrance of the property, the putting a basically additional restriction on the property, that was the landmark designation, that in other words the owner was tying the owner's hands with what could be done with the property, not only that owner but the subsequent owner because they were dedicating it as a historical structure; that it seemed to him that there were basically three alternatives, that either they could say that historical preservation was not an issue of public interest and was simply a matter of the benefit or detriment to the private land owner, and he sort of disagreed with that because he thought that the historical nature of these properties really helped the City and the neighborhoods around it, or they could say that the government should go around telling people what to do with their property without putting any money into it, or they could say that those people who chose to both make the improvements in their property's and dedicate their property's in perpetuity as a historical landmark with big penalties, that they should have some nature, and it was limited for a fifteen year period, of public support, because they did think historical preservation had a value outside just the property lines in which people did historical preservation, that it seemed to him that those were the three basic alternatives; that number one, it was only a matter of private interest, not a matter of public interest; that number two, they did it by mandate, which he tended to be against; or number three, they could find every way to incentivize private investment and for people to dedicate for the long term their property to the public, that he wanted to get that on balance; that he rarely disagreed with his colleague, Council Member Sullivan, but he could have a whole list of distinctions between that and something where the government took taxpayers money and then gave taxpayers money to a bank and then called it conservative; that it was considered a traditional market oriented, private property oriented protection of having people, individuals, make voluntary decisions to invest and to encumber their property as historic landmarks.

Council Member Holm stated that she thought in 2005 or 2006 when they established the protected landmark for homeowners in the City of Houston they had a lot of people really concerned about the demolition of some of the area homes and the residences and the places that were so vital to their future, so with the designation it allowed and encouraged people to help preserve some of those attributes and some of those homes, but what could happen was finding the balance for it because as it was written it could be a very significant drain on the property tax base as people used it to remodel those historic homes and that revenue was then taken off of their resources; that as they saw last week, one of the homes, which she was applauding that they had recognized, was in far west Houston, that at this point and time they were getting close to every home in Houston that was over 50 years old, which they were talking about hundreds of thousands of homes that could be eligible for this, that it was possible, so she thought there was a balance of setting some structural restrictions on how much of that could be abated and under what conditions.

Mayor White further stated that he thought it was a good point, that the issue that Council Member Holm sort of observed on the constraint of this, that one conception that they had of the program that ought to be reviewed was that they had what he considered to be fairly tight restrictions on, with oversight by an independent board, on what really would constitute a historical landmark and if somehow that definition was to loose then they really ought to take a look, in part, what that definition was, that he was not substituting his judgment for those who were experts on historical preservation, but they would say it was not meant to encompass something like a good example of a post World War II suburban neighborhood, that was not what they considered historical preservation, that they needed to make sure that there were criteria that were applied for some of the historical structures, that those historical structures would not be evenly distributed through the City, by and large, that there were historical structures in Alief when it was a farming community and there were others, but by and large the City was smaller in diameter at the time, 50, 70 or 80 years ago than it was today so more of those would be concentrated in areas closer to the City center.

After further discussion by Council Members, Mayor White stated that he would ask Minnette Boesel to take a look at the issue that Council Member Holm raised, and called for a on Item No. 26. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1149 ADOPTED.

27. ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at **3664 INVERNESS 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. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1150 ADOPTED.
28. ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at **2135 LOOSCAN 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. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1151 ADOPTED.
29. ORDINANCE enlarging the boundaries of Reinvestment Zone Number Five, City of Houston, Texas, (Memorial Heights Zone); containing findings and provisions related to the foregoing subject; providing for severability - **DISTRICTS A - LAWRENCE; D - ADAMS G - HOLM and H - GARCIA** – was presented. Council Member Johnson absent.

Council Member Holm stated that the tax increment reinvestment zone was something

that she knew there had been a lot of discussion about at the Council and she personally thought it was an incredible tool that the City had to be able to promote and bring infrastructure into the City, that generally she absolutely supported an annexation that had a plan to do so, that she was going to tag the item because she thought it was valuable to know what the plan was, that she hoped to get some information this week, and Mayor White stated that they would get her that information. Council Member Johnson absent.

30. ORDINANCE approving and authorizing contract between the City and **WADE WELLNESS CENTER** for Professional Services for the Ex-Offender Community Re-Entry Program; providing a maximum contract amount - 2 Years with three one-year renewals - \$450,000.00 - General Fund - was presented, and tagged by Council Member Clutterbuck. Council Member Johnson absent.
36. ORDINANCE appropriating \$1,143,000.00 out of Equipment Acquisition Consolidated Fund as an additional appropriation under the contract with **SAP PUBLIC SERVICES, INC** (C-56871) for the Purchase of Business Intelligence Software Licenses – was presented. Council Member Johnson absent.

Council Member Khan stated that the City of Houston was very fortunate that they had the SAP Program in the city and he understood that it was additional software of which the City of Houston was one of the few cities using it and he also understood that it was also very much needed, that his point was that they had a contract where they spent a significant amount of money to get the SAP Program and asked if that was part of that same contract or an additional funding requirement for that contract and if so it just bared to mind why they did not include it as part of the original contract regarding the upgrades or new developments coming up, so for a point of clarification he was not going to tag the item but would appreciate it if somebody could provide him that answer, and Mayor White stated that Mr. Lewis was present and they would make sure that Mr. Lewis would follow up with him. Council Member Johnson absent.

A vote was called on Item No. 36. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2008-01152 ADOPTED.

45. ORDINANCE issuing a permit to **P. L. PROPYLENE, LLC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2008-01153 ADOPTED.
48. ORDINANCE appropriating \$3,841,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (approved by Ordinance No. 2006-0277) for the Surface Water Transmission Program; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Sullivan. Council Member Johnson absent.

NON CONSENT AGENDA - NUMBER 51

MISCELLANEOUS

51. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance for (MSD) for 5610 Company LLC for site located at 5610 Polk - **DISTRICT I – RODRIGUEZ - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JANUARY 14, 2009** – was

presented.

Council Member Garcia moved to set Wednesday, January 14, 2009 for a hearing to consider a Municipal Setting Designation ordinance for (MSD) for 5610 Company LLC for site located at 5610 Polk, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0895 ADOPTED.

MATTERS HELD - NUMBERS 52 through 69

52. 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 – **(This was Item 2 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0896 ADOPTED.
53. ORDINANCE appropriating \$109,797.40 out of Equipment Acquisition Consolidated Fund for Purchase of Office Furniture for Parks & Recreation Department – **(This was Item 8 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER HOLM)** - was presented, Council Member Holm voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1154 ADOPTED.
- 53a. RECOMMENDATION from Purchasing Agent to award to **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 – **(This was Item 8A on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER HOLM)** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Holm voting no, balance voting aye. Council Member Johnson absent. MOTION 2008-0897 ADOPTED.
54. 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 – **(This was Item 9 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2008-1155 ADOPTED.
- 54a. RECOMMENDATION from Purchasing Agent to award to **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 – **(This was Item 9A on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0898 ADOPTED.
55. 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 – (This was Item 19 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1156 ADOPTED.

56. 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 – (This was Item 20 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1157 ADOPTED.
57. 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 – (This was Item 21 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1158 ADOPTED.
58. 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 – (This was Item 22 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1159 ADOPTED.
59. 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 – (This was Item 23 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1160 ADOPTED.
60. 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 – (This was Item 24 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1161 ADOPTED.
61. 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 – (This was Item 25 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1162 ADOPTED.

62. 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 – (This was Item 26 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1163 ADOPTED.
63. 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 – (This was Item 27 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1164 ADOPTED.
64. 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 – (This was Item 28 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1165 ADOPTED.
65. 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 – (This was Item 29 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1166 ADOPTED.
66. 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 – **(This was Item 30 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBERS RODRIGUEZ, JOHNSON, GREEN and ADAMS)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1167 ADOPTED.
67. 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 – **(This was Item 44 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1168 ADOPTED.
68. ORDINANCE appropriating \$126,046.27 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 – **(This was Item 45 on Agenda of**

December 3, 2008, TAGGED BY COUNCIL MEMBER HOLM) – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1169 ADOPTED.

69. 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 – (**This was Item 50 on Agenda of December 3, 2008, TAGGED BY COUNCIL MEMBERS RODRIGUEZ, GREEN and LAWRENCE**) – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. ORDINANCE 2008-1170 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated again this week the City of Houston was mourning the death of an on duty, veteran, City of Houston Police Officer, that Timothy Scott Abernathy was 43 years old, an 11 year veteran of the force and on a routine traffic stop was killed; that he left a wife and two grown children; that every time one of their officers on in the morning they knew the risk they were taking, they were in the business of public safety, that they knew what could happen; that by going to www.100club.org they could make donations to the family; that she did not know if two men in a patrol car was the answer or if more spending was the answer, or if more patrol units on the ground was the answer, but she did know that they needed to answer those questions and not justify how they did things but look to find out how they could improve and what steps they could take to make sure that they were really helping and protecting the safety of their officers who were trying to protect the safety of their citizens. Council Member Johnson absent.

Council Member Holm stated that there was a vote today on some spending items that had to do with buying some equipment, Item Numbers 53 and 53a, that it was 21 pages of desks, chairs and bookcases, over \$500,000, that when she asked questions she did get a response and the response from everyone was that they were budgeted items and that was why they were moving forward, that at this point and time they needed to be looking at their budgets and their spending patterns not for justification that they had allowed or projected it, but for the actual need to be able to cover these expenses; that she was still trying to understand why every department was not scrubbing their budget right now to cut discretionary spending so they could address the needs that were absolutely necessary in spending their money; that in the spring she did not know exactly what was going to happen but would hope that the departments were looking at proactively being able to cut 1%, 5% or 10% if necessary; that every action they took had long term consequences, that in 2001 a very contentious Council and Mayor voted to change spending and pattern in the way they addressed their pension system based on assumptions they were given at that time, that they would live for years and years on those consequences; that several years ago their federal government had looked at ways to enhance, they never dreamed their housing market could be anything but soaring and successful and they looked at ways of enhancing and helping people with lending for mortgages and as a result of that, and a lot of other things, they were in a situation today that they never ever analyzed they could be, that the City of Houston needed to be very responsible and resourceful and buy those things, spend those dollars and initiate those programs that helped them position themselves for tomorrow, but she really believed it was time for them to tighten their belt and really begin to believe conservatively about what it did to provide those core services as a quality level so that during this time of an unstable economic climate they prepare themselves to soar with a potential and prosperous future. Council Member Johnson absent.

Council Member Garcia stated that regrettably they had a funeral to attend which would be held this Friday, that there was a visitation for Officer Abernathy that would be held on Thursday

from 9:00 a.m. to 9:00 p.m. at the Klein Champion Funeral Home and his funeral would be held at the Champion Forest Baptist Church at 15555 Stubner Airline at 11:00 a.m. Friday morning; that there were a lot of names on the Houston Police Memorial that he personally had some interaction with in his first career; that when he came on the Houston Police Department and was brought to, back then, the North Shepherd Substation he was told by his senior officers and was told to look at a picture of Officer Johnny Bamsch, who was murdered much in the same manner that Tim was, and he had a partner, that it was in the late 1970s, that it was a different time and different access to technology and things of that nature; that the dangerous job of being a cop on the streets of any community was a tough one, that one of the most painful things was to see their partner be murdered; that it was also unforgiving to know they had an officer out there by himself doing a tough job and the backup was not there fast enough; that it was a very complicated and confusing thing at times; that he wanted to acknowledge the good Harris County Sheriffs Deputies that were involved in the arrest of the violent and dangerous individual, and he had already made calls to thank them for their service, that they had to always be mindful of how circumstances strike their men and women in uniform; that he always said that whenever they pulled somebody over everybody in that car knew who they were, but they did not know who they were; that all he could say was to support their officers and give them the tools, training and resources and continue to hire so they could have the presence on the street, patrol cars and uniforms alike, had proven to be a tremendous deterrent to crime; that it made people think twice about what they were doing; that having more officers on the street was always the greatest deterrent to crime, that it was good to have two officers in a patrol car and he would like to see that happen as well; that to the good officers risking their lives and to the officers working off duty who had to face those same circumstances, he wanted to thank them for what they did and to the community for the support that the Abernathy Family had received from great Houstonians. Council Members Johnson and Noriega absent.

Mayor White stated that it was a time for each person around the table and for those who purported to be leaders and aspired to real leadership to heed the words that Pastor Lawson said and the sentiments he voiced for the entire community at Rodney Johnson's funeral; that no one here controlled when lives were given or taken on the earth, to a large extent, that they did know that the person most responsible for the circumstance was the shooter, that there was a process, a criminal justice process, and if the individual went through that process and was found by a constitutional jury of peers on the evidence to have taken the life of a fellow human being, the penalties were in law and were severe and they would be enforced and there would be accountability, that it was tough for some of them in leadership right now and he did not know whether he would always have the right balance to listen to individuals who speculate about what the policy was or was not, about which captains had authorized the use of two person patrols and in which areas and what Officer Abernathy preferred, that he knew that, that he would just say that he had heard categorical statements about what the policy was or was not of the Police Department, and he had talked to a lot of patrol offices over an extended period of time on the staffing and configurations, and there were changes made in giving captains the flexibility, particularly in the hot spots, and there were a lot of people who had two people in a unit at times, and that was a new step, and they did not do top down management of their Police Department, certainly not by people who had never been police officers, who were the most vocal, that he would tell them that neither Officer Abernathy, nor his captain, nor those around the table, nor the Chief or the union caused the shooter to react in the way that he did, and the same would be true with others who may be stopped for a routine traffic violation, that it was not the responsibility of a group, no group of individuals pulled the trigger, that it was a matter of individual responsibility; that he greatly appreciated the support of the City Council, which had been unanimous in increasing the size of the police force in doing whatever they could to lower response time and increase the presence and visibility of officers in the field, that those had been their mandate and believed that the vast majority of police officers supported the policies which would lead to that result, quick response time and high visibility in the field, and that kind of policy was followed by most of the urban police departments; that there was

another note, which was that Captain Unruh, for the first time, had been on a treadmill, that he visited with the family over the Thanksgiving holiday and Jill and his extended family, church family and others were strong people, they had been in his family's prayers, that he did not know what all he could read from the medial report but would tell them that it made his day to know that one of the firefighters, who was in a very tenuous situation, was improving and was recovering, that he did not want the plight of he and his coworker and their families in their struggle to recover be lost as the whole City grieved for the loss of one of their finest. Council Members Johnson, Adams, Lovell and Noriega absent.

Council Member Khan stated that he also wanted to express his deepest condolences to the Abernathy Family and all of the Houston Police Department, that he thought that Council Member Garcia expressed their sentiments very well, that he also wanted to agree with Mayor White that he would consider it inappropriate telling the police department or the police chief how to manage the Police Department; that whether there were two officers in a patrol car or one or whatever that was the job of professionals; that rest assured that any suggestion coming from the department, which the body had to act on, they could have his unwavering support for that; that this was the fifth incident, in the last five years, where an officer's life was lost, what did it say about their criminal justice system, that he thought it was something as a society and their leadership, both in the City and especially in the State, had to look at, that he thought these incidents, if somebody wanted to raise their voices, this was where their voices needed to be raised, that he did not know of many situations where people who had been incarcerated were coming out and really becoming a model citizen, what is the criminal process system supposed to result in, that he thought there should be some serious discussion in Austin and there should be some meaningful changes in that process, otherwise they would continue to face terrible crimes on their streets and their officers would continue to face more and more dangerous situations every time they went out and stopped somebody on traffic violations; that he would urge everybody to please remember Officer Abernathy in their prayers and make sure that every citizen, in their own way, support their police officers who were really risking their lives every day for all of them, that he wanted to thank Officer Abernathy for his heroic career, that his family and friends should be so proud of him and they were proud of his service and time with them. Council Members Johnson, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Khan stated that for the Holidays Around the World miniature trees were currently on display in the Visitors Center in City Hall, that it was an annual silent auction to raise money for Child Advocates, a local non profit organization providing advocacy for Harris County's children currently in protective custody due to life threatening abuse or neglect, that on Tuesday, December 16, 2008 at 5:30 p.m. the silent auction would close and the winner would be announced, that the opening bid for the trees was just \$15, that the trees were decorated by the Council Corp and multicultural organizations, that the auction was sponsored by the Houston International Protocol Alliance and the Visitors Center, that the holiday exhibit and silent auction would remain in display in the Visitors Center until Tuesday, December 16, 2008 and displayed a tree decorated by the Japanese Consulate for last year's silent auction. Council Members Johnson, Garcia, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Green stated that he wanted to give his condolences also to the Abernathy Family and all of the HPD Officers out there who did such a great job protecting them, that sometimes they went certainly unsung. Council Members Johnson, Garcia, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Green stated that the Holiday in Midtown Park 2008 was scheduled for Sunday, December 14, 2008, that they would highlight the musical talents of Mr. Hank Neil, that the event would support Children of Escaped Family Resource Center, that the park was at Gray and Bagby, across the street from the CVS, outside the offices of the Midtown Management, that if they had questions they could call 713-398-2554; that the Warm and Wooly

Drive was taking place right now and being put on by SEARCH, that if they had any gently used coats, blankets or winter clothing to please contact them at 713-739-7752 for more information; that he wanted to talk about the Pay or Play Program, that he got some information that maybe some of the contractors at the City had not availed themselves of the Pay or Play Program and certainly there were some loopholes that he thought they probably needed to visit, but one of the things that he was able to do was get a list of all of the contracts that were let or that were advertised after June of last year; that the contracts that were on the agenda today, and he asked Affirmative Action, actually the department heads or the people who signed the RCAs, which of these contractors would either pay or play, what would be their commitment and it was fairly easy to get a list of the contractors who said that they would pay or play, and which was surprising for the better, all of the ones on Item Numbers 11, 30, 38, 49, 50 and 69 all said that they would play rather than pay, that his question or suggestion for them now was that they do it on every contract, every week for the agenda, where they put an item, as far as MWBE participation was concerned, to place one line that said whether the contractor would either pay or play, and when it came time to disburse the funds they should put in whether they had paid or played and he thought obviously it did not correct the loopholes in the ordinance they created but it certainly allowed them to be aware of those employers who were serious about paying or playing, that he was a firm believer that people don't do what you expect, they'll do what you inspected, and he thought it was a great way and probably the most cost efficient way for them to start putting some teeth in this as they revisit it later; that once again his suggestion was that they add every week, to every contract that was eligible for a play or pay clause in it, that they put it in the RCA and have the person who signed the RCA verify that information and when it came time to close out the contract that they know that person had either paid or played and if they had not or had not played, make sure that they had paid their way into the responsibility fund. Council Members Johnson, Clutterbuck, Garcia, Lovell and Noriega absent.

Council Member Brown stated that Bishop James Dixon of the Community of Faith Church, recognizing the terrible tragedy that happened to Police Officer Abernathy on West Tidwell Road, organized a flashlight prayer vigil, which he was honored to be a part of, that there was a tremendous community outpouring, that he felt that there was a great outpouring of sympathy for the Abernathy Family, there was expressed tremendous concern on the part of the neighborhood people about crime in their neighborhood, and he had talked to an elderly person who said they slept on the floor of their apartment because of gunshots that went off at night at that apartment complex, that there was also a lot of support for the Houston Police Officers and the Houston Police Department; that there was an item on the agenda related to an ex felon reentry program and it was tagged, that they really needed to support a broad based reentry program, that he had discussion with Senator Whitmire about getting some real State action on some funding for the reception/reentry program, that he knew the Mayor had supported the reentry program and he thought they needed to move forward on it. Council Members Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Noriega and Green absent.

Council Member Brown stated that he wanted to pass along thanks to their City employees who had really responded to needs in their neighborhoods; that Officer Ulma Knox, Neighborhood Protection, for her diligence and responsiveness in assisting the Freeway Manor Neighborhood Association to resolve some issues at the Edgebrook Commons Apartments, that there programs were a lot of overgrown lots, junk motor vehicles, graffiti, overflowing dumpsters and those were just a few of the nuisances that plagued that apartment complex; that Phil Schmidt, who had a real problem with sewage backup and the Public Utilities Division of Public Works assisted their office in straightening out their problem. Council Members Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Noriega and Green absent.

Council Member Adams stated that she wanted to commend the South Houston Coalition of Civic Clubs, under the leadership of Ms. Vivian Harris and that group out there for continuing in

being diligent in making sure that community remained clean and hopefully one day crime free; that in Agenda Item No. 33 they passed some money to get some equipment needed for the Vinson Branch Libraries and purchasing materials, including books, that they were looking forward to the opening of the multi service center in 2009; that this weekend they were going to dedicate the grand reopening of Towne Wood Park and she wanted to thank Mr. Joe Turner and the Park staff for their diligence that Towne Wood Park would remain on course and also State Representative Dr. Alma Allen for her contributions and funding to the park as well. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Adams stated that they were mourning with the Family of Officer Abernathy and she wanted to commend, Ms. Johnson, the wife of Officer Johnson, who passed away last year, that immediately she ran to the rescue of the wife of Officer Abernathy and that showed the true value of family within the Houston Police Department; that they mourn the passing Judge Andrew Jefferson, who was the first African American State District Judge in Texas, that his funeral would be on Sunday and they wanted to give their condolences to Mrs. Jefferson, that they were proud of him and all of his accomplishments; that they wanted the City of Houston to pray for Pastor Cloud, that his wife, Gwynn Cloud passed away yesterday, that they were the members of the Pilgrim Church, by Texas Southern University, and her funeral would be on Saturday and he would be doing the eulogy of Judge Jefferson, so this weekend he had a lot of responsibility as a pastor. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Adams stated that she wanted to congratulate Mr. Terence Fontaine for graduating from the MBA Program; that they were proud of the Houston Texans and she wanted to salute them, that they were getting ready to do their groundbreaking on Thursday, that they were proud for what they were doing for the community; that she wanted to continue wishing everyone a continued holiday season and blessings and prosperity upon their families. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Jones stated that she wanted to wish a Happy Birthday to a former staffer, Will Trevino; that staffer E. V. Allen just graduated from Texas Southern University with a degree in Political Science. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Jones stated that she wanted to offer her condolences to the Family of Judge Jefferson; that she wanted to offer her condolences to the Family of Officer Abernathy; that if Mayor White could have someone come to her office and brief her on the number of places they could be by having officers everywhere with one in a car to partnering them up, how many areas would that leave uncovered, that she would like to know that. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Jones stated that she wanted to speak about Item No. 54 and 54a, which she tagged last week, that it turned out, and she wanted to thank Calvin Wells, that there was actually a mistake in the RCA and as it turned out that was a good price, but they still needed to catch those things; that she wanted to talk about environmental air quality, that she had a call from a group of citizens who lived by a plant which happened to be in District D and House District 146, that there was an explosion on Saturday and debris flew for two blocks, that there were a lot of really bad environmental stuff in District 146 and the only reason she pulled it up was because the problem happened in District 146 and it was relevant to her research, that a couple of months ago one of their trucks caught on fire and on Saturday something exploded, that it was her understanding from the residents of the community, and she tried to reach Elena Marks yesterday and could not reach her, that she needed to have some questions answered, that she did not understand, and she spoke with Mr. Fontaine yesterday about the very same issue and he was very helpful to her, that she understood that TCEQ regulated environmental quality but

they did have the power within the City to control the utility, i.e., water, that plant was surrounded by a residential neighborhood where there were homeowners and renters, there was a school over there, Beatrice Mays Institute, there was a church over there and she was not quite sure how anybody allowed a waste facility in that place, that she went to a townhall they had last week, that from the backyard of a house to the yard line of the company was not very far, so she was not clear how TCEQ gave a permit to a company to do stuff with waste, that they sent them a letter in February 2007 saying they were going to discontinue their water service and among the allegations were discharge pollutants in violation of their permit limits, oil and grease, zinc, butanone, phenol and acetone, and they said the allegations were that they caused the City to violate discharge permits from TCEQ, that they could endanger the health and safety of the City's workers in the collection system, that they diluted samples by using more water, which by the way they were not permitted to do, so that they would not have to pay the City money, that they just did a whole bunch of stuff, that they discharged stuff 58% times higher, that she would like some clarification on that because polluting the City's water system was craziness, that anything he needed for her to do she was happy to do. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Mayor White stated that they would Ms. Marks and Mr. Pebbly and asked Ms. Stein to take notes to make sure to let the water people know on this one. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to commend the administration, the Council and the previous Councils, that it was reported last week that the TCEQs data showed fewer days with harmful levels of smog in the Houston area for the third consecutive year, that this year only 16 days exceeded the Federal health base standards for ground level ozone, that they had come a long way and in prior years they had actually exceeded the hazardous levels by more than 60 days so they were doing better and the air was getting cleaner and he knew it was a big part because of the Mayor and his administration and his commitment to the region. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to offer his condolences to the Family of Officer Abernathy, that it was a dangerous job and at these times they really needed to think of the families and the commitment that their men and women in blue and their firefighters did for them, that his family and District I would be praying for them as well. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to say goodbye to his friend, Jerry Greenspan, and his Council aide, that he had been with him since he had been the Chief of Staff with Council Member Alvarado, that Jerry would be Chief of Staff for the State Representative elect Carol Alvarado, that he wanted to thank him for his service to the residents of District I and wished him the best of luck; that he wanted to congratulate former Council Member Alvarado on her MBA, as well as Terence, Council Member Green and Issa Dadoush, that he wanted to give them kudos for pursing their education and congratulations; that he would be hosting the 10th Annual District I Christmas Party on Sunday, December 14, 2008, 12:00 p.m. to 2:00 p.m. at the University of Houston in the Athletic Alumni Center, that almost 500 District I students and their families were identified and invited to experience a Christmas celebration and meal, that they definitely needed volunteers and he invited all of his colleagues to come out and celebrate with them. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Sullivan stated that he wanted to extend condolences to the Family of Officer Abernathy, that he would be at the funeral to show his respect; that he wanted to let the Mayor know that he would not second guess him and the Police Chief on whether they needed one or two men in a car, that the district would support them in everything that they do with

protecting the property and citizens of the City. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Sullivan stated that he wanted to congratulate the City and the Mayor on a successful Christmas Tree Celebration sponsored by Reliant and other sponsors, that he thought they needed to recognize that it came together as a result of the hard work of Susan Christian and the Mayor's Office of Special Events; that he wanted the Mayor's help, that there was a consultant down south, Marie Flickenger, that she had her finger on the pulse of the community and had for 30 years, that she contracted him a few months ago and said that the Metro park and ride lots around the South Belt area were filled at 100% capacity and she had an idea of the possibility of setting up some temporary bus pickups at the AMC Movie Theater, that it was a large parking lot and right around the corner from the existing park and ride, so he had Metro meet him at Ms. Flickenger's office in August and specifically requested that and asked that they take it back as a Council Member request to give them four buses and give them 90 days to build the ridership and if they could not build the ridership in four buses to jerk the buses from underneath them and they would go back to Plan B, that they came back about 2 weeks ago in Ms. Flickenger's office again, that Ms. Flickenger was concerned that Metro may not be providing the services that they should, that Metro's response was that they were building a new lot at Bay Area and I-45, that put the residents that they were trying to serve in his district driving south on the Gulf Freeway 5 miles in the morning to catch a bus to drive to downtown, that they thought there was some room for improvement, all along from planning to customer service and he would like to know what the Mayor would do to serve his constituents. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Mayor White asked who at Metro was at that meeting, and Council Member Sullivan stated that they had been working with Steven Brown, and Mayor White stated that he would look into it and copy Council Member Sullivan on the appropriate emails. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Lovell stated that she and her family wanted to extend condolences and prayers to the Family of Officer Timothy Abernathy, that right now she thought it was for all of them to make sure the family had everything they needed and more importantly to know that the other family that Timothy Abernathy had were his fellow officers, that they were grieving to, that the policy stuff could be for later; that they had been keeping up with Captain Darin Unruh of the Fire Department and she understood that his progress had been great, that she knew that his family was very happy about the progress, that again whatever his family needed their role right now was to be with them. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Lovell stated that the Quality of Life Committee would meet today at 1:30 in the Council Chamber and the items on the agenda were revisions to the Tree and Shrub Ordinance and then discussion of the large campus signage; that she and Mayor White, tomorrow, would be at a press conference together to announce the donation of 3,300 trees by TXU Energy to the City of Houston as part of the Mayor's Million Trees for Houston Campaign, that she wanted to thank TXU for their donation and wanted to thank the Houston Parks and Recreation Department and all they were doing to facilitate this and it would be at City Hall at 1:30 p.m. tomorrow, that they would be ready to take those trees and disburse them through the City; that she would like to say thank you to Susan Christian and her staff, they had a great time at the Holiday Show, that the amazing thing was the local talent that they had in the City that was in the show, that the young people they had with great talent it was really fun sitting there and watching them, that it was a great way to kickoff the Holiday Season, that she wanted to say thank you to them; that she wanted to say how proud she was of what they did on the Historic Preservation front, that she was very excited on how they were moving forward on the issue. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Lawrence stated that she too wanted to express her condolences to the Abernathy Family, that she had pulled up the Lexor Apartments on 3-1-1 calls and 17 Neighborhood Protection complaints in the last year and 10 utility maintenance which basically covered people that lived there calling in problems, that HPD needed to seriously look at their DRT Program and needed to seriously look at Neighborhood Protection, that she would elaborate on that at another time. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Council Member Adams stated that this month she highlighted the Right-of-Way Maintenance Division because of all of their hard work and dedication they had done during Hurricane Ike, that she wanted to salute those divisions for a job well done under the leadership of Eric Dargan, that they could not have done it if they did not work as a team, that those divisions were 7101 Renwick, 1700 E. Crosstimbers, 5500 McCarty, 2701 Dalton, 5900 Teague, 22615 West Shorewood, 747 Evergreen, 802 East Burris, 2700 Dalton, 100 Gillette, 711 Gillette, 8430 Newcastle and 8002 Airline, that they wanted to thank those individuals and those divisions for all that they do and what they continue to do to serve Houston. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

Mayor White stated that tomorrow they would have a committee as a whole meeting at 10:00 a.m.; that issues concerning housing were not just of interest to one district, that for the first time in the history of the City they put together a consolidated Housing Budget, that was a first time to be presented to City Council, that they had many different agencies, including the Houston Housing and Finance Corporation and the Houston Housing Authority that were substantial operations with substantial responsibilities, that the consolidated housing budget over a period of 5 years was over \$9 million and that was what they called real money and it had taken them a process of two years, they did it last year and got it approved, that it was updated this year and this would be the first time they had presented it to the full City Council, that they should have had a budget like this for a long time that was similar to the Capitol Improvement Program, that it was hopeful for those individuals that they hear from time to time, that it was helpful for individuals to also know what the City did. Council Members Johnson, Clutterbuck, Khan, Garcia, Noriega and Green absent.

There being no further business before Council, the City Council adjourned at 11:41 a.m. Council Members Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Noriega and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary