

City Council Chamber, City Hall, Tuesday, December 8, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 8, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Xavier Herrera Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present.

At 2:02 p.m. Mayor White called the meeting to order and stated that Council Member Adams would begin presentations. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adam invited Mr. Harrison Williams and his daughters to the podium and stated that Mr. Williams was the board chair of the Houston Read Commission and helped to lay the commissions foundation setting it up for success and under his leadership it had numerous accomplishments and educated hundreds of Houstonians; and presented a Proclamation proclaiming today as "Harrison Williams Day" in Houston, Texas Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Gonzalez, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. Williams stated that as Dr. Red Duke once said, he had to have help to do what he did and it was good people who made to Read Commission do what it did so well and Council and Houstonians supported it and he thanked his staff for all their support; and introduced his daughters Francis Louise and Amelia Montgomery. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Gonzalez, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Khan thanked Mr. Williams for all that he did. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Gonzalez, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Green invited those present for his Proclamation to the podium and stated that this was a great opportunity to pay homage to all who dealt with youth; that Ms. Lavaille Lavette had a program "Every Child an Author" and worked with children to get stories and books published; that many adults dreamed of being an author and children would not have to wait to experience that now, Every Child an Author was on a mission to make every child in America a published author, school by school, many schools in the Houston area were participating and to honor such an organization presented a Proclamation to Ms. Lavette proclaiming today "Every Child an Author Day" in Houston Texas. Council Members Lawrence, Johnson and Rodriguez absent.

A spokesperson introduced Longfellow Elementary School and Harmony School of Excellence as being participants and presented a plaque to each and stated that they were some of the eight pilot schools and presented a plaque to one of the authors present. Council Members Lawrence, Johnson and Rodriguez absent.

Council Member Clutterbuck thanked all for appearing and for representing two outstanding District C schools. Council Members Lawrence, Johnson and Rodriguez absent.

Council Member Holm stated that this was a particularly special day and invited Ms. Kay Crooker to the podium. Council Member Holm stated that Ms. Crooker had a significant impact on her life and many in the room and asked all present recognizing Ms. Crooker to stand and be

recognized. Council Member Holm stated that Ms. Crooker had been a long time committed and influential person for the betterment of Houston; and because of her being a neighborhood advocate and through her services on the Planning Commission and other organizations presented her a Proclamation proclaiming today as "Kay Crooker Day" in Houston, Texas. Council Members Johnson, Holm and Rodriguez absent.

Mayor White stated that a citizen could have much more of an impact than elected officials and Ms. Crooker exemplified that and he hoped many would be inspired by her example of civic involvement. Council Members Johnson, Holm and Rodriguez absent.

Ms. Crooker stated that she thanked all very much for the recognition and that she was humbled by the presentation. Council Members Johnson, Holm and Rodriguez absent.

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

At 2:24 p.m. Mayor White requested the City Secretary call the roll. Council Member Johnson absent.

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

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

Ms. Phyllis Thomason, 611 Knox, Houston, Texas 77007 (713-880-4119) appeared, presented information and stated that she was president of the Rice Military Civic Club, the neighborhood within the Washington Coalition and Memorial Park Neighborhood, Super Neighborhood 22 and referred to in Agenda Item 6 on tomorrow's Agenda; that she was present on behalf of their residents requesting support and approval of recommendations by the General Services Director to establish a residential parking permit area within Rice Military and also wanted to thank Ms. Lilliana Rambo and Ms. Melony Curry, their liaison in the Parking Management Division for quickly responding to their application and thank the many volunteer residents who collected signatures to see this day come to fruition. Council Members Lawrence, Johnson and Jones absent.

Council Member Gonzalez stated that Ms. Thomason should continue; and Ms. Thomason stated that all Council Members were aware of the late night establishments which opened along the Washington Avenue corridor and by approving the recommendation brought in Agenda Item 6 they would bring their peace back.. Council Members Lawrence, Johnson and Jones absent.

Council Member Lovell stated that they had a Transportation Infrastructure and Aviation Committee Meeting today and had a report from the Parking Commission and one thing they said was they needed to tackle parking in neighborhoods where businesses were growing and they were looking at businesses open along Washington open during the day to see about using their parking spaces in the evening, they could lease it and make money and the parking and neighborhood and businesses would all win. Council Members Lawrence, Johnson, Sullivan and Jones absent.

Council Member Gonzalez thanked Ms. Thomason for coming and all her work and stated that as Council Member Lovell stated they would continue working through this through the coming year. Council Members Lawrence, Johnson, Sullivan and Jones absent.

Mr. Neal Parker, 5019 Floyd, Houston, Texas 77007 (713-869-7865) appeared and stated that he lived at the corner of Roy and Floyd and was present supporting the residential parking permit area application made; and urged Council's approval as a quality of life issue. Council Members Lawrence, Sullivan and Jones absent.

Mr. Jeff Banks, 904 Roy, Houston, Texas 77007 (713-426-3326) appeared and stated that he would echo comments of Ms. Thomason and Mr. Parker and urge passage of the residential parking permit program; that they were getting vandalism, loud noise, urinating in yards and blocking streets and they would appreciate assistance. Council Members Lawrence, Sullivan, Noriega and Jones absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that he was present regarding the HPD Fingerprint Lab; that previously they had a problem with the DNA Section and it had been well publicized, the lab determined whether someone was freed or convicted and it was about safety in Houston and letting the innocent go free; that they heard there was an audit and for openness it should be out for review by the public and let them decide along with their representative government the best course to take. Council Members Lawrence, Sullivan, Holm, Noriega and Jones absent.

Council Member Khan stated Mr. Kallinen should continue; and Mr. Kallinen stated that also the bidding process needed to be looked at for the taxpayer's benefit and more openness in government, was it a monetarily responsible decision to pay the money to the individuals and should those who potentially created the problem be the ones to have input in hiring the consultants, this was very serious for citizens safety and anyone being wrongfully convicted. Council Members Lawrence and Holm absent.

Upon questions by Council Member Khan, Mr. Kallinen stated that anything which could be requested through open records could be released through government without an open records request; and a regional crime lab was something which should be considered by the people, the problem was when city government investigated the crime and supplied forensic expert you got maybe a camaraderie, city workers not wanting to go against other city workers, there could be conflict and space needed to be put between those doing work like fingerprints and those trying to prosecute such as the officers and DA's Office, but first the audit was needed to see the exact problems. Council Members Lawrence and Holm absent.

Council Member Clutterbuck stated that she had asked for a copy of the report and shared the concern expressed by Mr. Kallinen and other Council Members, if they were extending a contract they should have a work product to see what the problem was, etc., and Mayor White stated that he had the same reaction, it was a serious matter and if individuals were responsible for doing a job poorly appropriate actions should be taken, they should not just be reassigned and on the issue of whether there were fingerprints which should have been identified and were not, the Police Department did much detail and he had received briefings, and the judgment of HPD that there were enough mismatches in prints it warranted rebuilding the organization from the ground up and they would make sure they got appropriate information and cases opened where need be and individuals apprehended; that if there was disciplinary action his guess would be there would be lawyers and a hearing on it and evidence come out at that time; that there were civil rights and procedures for employees. Council Member Holm absent.

Council Member Brown stated that the Public Safety Committee Meeting recently held shocked him to find out they had a dysfunctional fingerprinting process operation, with resources they were given they should fix it themselves and not ask for more money, this was more than forensics it was structural and operational and hopefully the next Mayor would address it and he was shocked senior assistant chiefs did not know the best practices in the region; and Mr. Kallinen stated there was a national chief of police union which had a best

practices guide and he could forward it to the Mayor and Council Members. Council Members Holm and Jones absent.

Council Member Noriega stated that at the committee hearing referred to the question seemed to be whether they dealt with this now or wait for the new Administration and there was no question all were concerned and the issue of the audit and whether it was released, the Mayor explained there was an investigation going on and a problem releasing it during the investigation, her assumption was it would be released later; and Mayor White stated that personally there was no question in the command staff with combined years of experience that they needed some individuals with outside expertise brought in to look at prints from prior years and to set up a new structure including recruitment and training and believed it was responsible to deal with it expeditiously as prints needed to be matched and sources of funding were identified to cover until year's end, but no one was precluding alternatives of additional funding for HPD or reordering priorities within as a source of potential funding; that basic places you would get funding in short term out of HPD would be overtime activity; and Council Member Noriega stated that she just received information and the audit was released today at 1:44 p.m. and was now available. Council Member Holm absent.

Council Member Jones stated that her concerns was competitive bidding, it was a lot of money and a competitive bid should be put out; that she had not seen the audit release but would look at it though she was not sure it was sufficient time for Council Members to figure out how they should spend the expenditure and in the practical world a regional crime lab should be considered as the experts and disciplines that came out were discussed with prosecution but not defense and she was an advocate of it happening under the next Mayor as it was a serious issue and needed to be seriously considered; that previously they kept putting money in the DNA Crime Lab and it did not work out and more and more money was required. Council Members Johnson, Holm, Lovell and Noriega absent.

Council Member Sullivan stated that he would echo the Mayor's comments on time being of the essence on the matter, it needed to be done and the funding issue could be addressed; and Mayor White stated that they would be in a hiring mode for people who could pass certifications and tests, issues needed to be considered concerning the contract but the cases needed to be worked. Council Members Johnson, Holm and Noriega absent.

Council Member Lawrence stated that her problem was money be asked for and strapping next years Mayor and Council without their input; that she could not see how she could support it and would vote as she did in committee. Council Members Johnson, Holm and Noriega absent.

Ms. Bette Pesikoff, 1715 North Boulevard, Houston, Texas 77098 (713-526-1631) appeared and stated that she was present in opposition to the Ashby development, she understood their appeal was coming up for vote tomorrow and she was a resident, attorney and voter and this was a bad project which would cause havoc and reduced property values; that government should take control of the issue and pass reasoned restrictions which would preserve quality of life. Council Members Johnson, Khan, Holm, Brown and Noriega absent.

Council Member Clutterbuck thanked Ms. Pesikoff for coming and stated that she was often quoted as she was so articulate and passionate about the issue; and thanked her for coming; that Ms. Pesikoff was one of three speakers on the issue, but the Chamber was filled with those who agreed with her; that Council was going to be asked to ratify or dismiss the decision of the General Appeals Board and tomorrow on Item 69 she would be making a motion to uphold the decision of that board and deny the appeal of the developer, if it was granted it would have citywide ramifications and urged all Council Members to uphold the decision of the board and she found it interesting that no one was present from the appellant to appear

considering it was an important matter. Council Members Johnson, Khan, Holm, Brown and Noriega absent.

Mr. John Glover, 1515 Vasser, Houston, Texas 77006 (713-374-7032) appeared and stated that he too was speaking on the Ashby high rise, he lived about a half mile from the proposed project and one issue was on the appeal and the other was the policy issue of the development, it was bad for the City of Houston as it continued to promote Houston's out of control image to the country and it was bad for the local area because of traffic problems, etc., that there were new policies to consider and you should not develop a small tract at the expense of all others and it was a policy the city never dealt with, everyone wanted predictability, homeowners and businesses and developers, it just needed to be balanced and the denser you were the more balancing needed; and urged denial of the appeal. Council Members Lawrence, Khan, Holm and Noriega absent.

Mr. Steve Halpert, 917 Franklin #550, Houston, Texas 77002 (713-222-2590) appeared and stated that he was speaking as representative of the Harris County Criminal Lawyers Association and as former Harris County Assistant District Attorney, in 2005 the Texas Legislature created the Texas Forensic Science Commission to study the quality of forensic science being presented in Texas courtrooms and recently they saw with their investigation what happened when the scientific community and politics clashed, the loser 10 times out of 10 times was justice and confidence again needed to be gained; that irregularities were discovered in 2008 on this issue and almost two years later they were just hearing of it; that no defense or prosecutors had heard of this and the problem could go much further back and it was astonishing for HPD to issue a statement that to their knowledge there had been no false identifications based on the incompetence of the fingerprint division; that irregularities were found in 50% of the random sampling and yet they were confident only the guilty had benefited from their incompetence and to allow HPD to determine what was the best course of action to regain credibility was kin to allowing a lion to determine how high a fence should be; that they showed they were incompetent of bringing forth competent, scientific reliable, evidence into the court room and the audit needed to be fully studied. Council Members Sullivan, Khan and Holm absent.

Council Member Jones stated that Mr. Halpert should continue; and Mr. Halpert stated that the audit needed to be fully studied by Council before one cent of taxpayer money was spent to fix an unknown problem at this time; that every single case involving fingerprint analysis with HPD would have to be reviewed by the DA's Office and notice to defendants based on that analysis would have to be given to them to see if conviction remedies were available and again taxpayers would foot the millions of dollars it would cost because HPD refused to police its own; and this needed to be stopped immediately; and Council Member Jones stated that it was all said and what he did was important; that there was an argument there was urgency though the city knew there was a problem since January 2008 and the fact they just found out about it at the Public Safety Meeting for the most part, we being the people asked to vote on it, and today found the audit was released, it was like asking someone to buy a house without inspection; that she thought there should be prosecutors at the table, defense lawyers, etc., to find out what was wrong; that currently people were locked up waiting for testing to be done, there were many problems and this needed to be comprehensive and a good decision needed to be made and there was no \$4 million to waste in a rushed decision and if there was urgency it had nothing to do with citizens, Council, prosecutors, etc., and why they were allowing those who caused it to be urgent and make a huge decision and she would vote no as she wanted it fixed right. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Lovell absent.

Council Member Lawrence stated that Mr. Halpert spoke of a regional crime lab and many entities in the area wanted a regional crime lab, the DA had been pushing for it and she was in favor of it, but it could not happen in the next month; and upon questions, Mr. Halpert stated that

if there was an independent lab which had a track record he would say ship off the cases like they did with DNA, unfortunately they did not, but bringing in people that HPD was supervising to audit was not a solution either; that when lawyers got fingerprints saying inconclusive they figured it was right and trusted it and it backfired; and Mayor White stated that one important thing was he had tried to get a regional crime lab, but it did not mean they should wait if there was an injustice, but the initiative they undertook to get national certification out of forensics one by one was what led to the certification process conclusions on the fingerprint department and bringing in outsiders was precisely the reason of not having those responsible for fingerprint operation make recommendations concerning the reorganization. Council Members Johnson, Sullivan, Holm, Rodriguez, Brown and Jones absent.

Mr. Phil John, 5316 Mandell, Houston, Texas 77005 (713-524-7602) appeared and stated that he was present against the appeal taken by developers of the would be Ashby high rise and was appearing on behalf of South Hampton and Boulevard Oaks, two neighborhoods with well over 1,800 homes, which would be directly impacted by Ashby; that many neighbors were present in support and they were told by developers they would develop and 23 stories of commercial and residential space could be expected and they were locating in the center of two historic and vibrant neighborhoods and they would front two, two lane streets, one being Bissonnet and a drive today on the street would convince them there was already a serious traffic problem; that they came out with Plan II eliminating commercial and some residences lessening traffic impact and asked the city to allow the building of it, but Plan II was a sham and they appealed the denial of Plan I, why would they ask for something they did not want, at the least it was gang playing and it should not be rewarded; that the appeal also asked the traffic study analysis by the city be ignored, but to go by their favorable study; and urged a no vote on the item. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Clutterbuck thanked Mr. John and Mr. Glover and all on the issue present for appearing and to her colleagues they should all have the appeal and no one expressed it better than those present today and emails received, it was an issue as to whether the city ordinance, Section 40-86 of the City Code, relating to driveways was legitimate and tomorrow she looked forward to making the motion to uphold the decision of the General Appeals Board and reject and deny the appeal and hoped all colleagues would join her. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Mayor White stated that the neighborhood was fortunate to have outstanding lawyers among the residents of the neighborhood who could explain interpretation of the city action and those appealing the judgment. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Ms. Alice Collette, 1100 Bagby, Houston, Texas 77002 (713-655-1912) appeared and stated that she was executive director of the Heritage Society at Sam Houston Park and present to thank all and ask for favorable consideration of Item 50 on tomorrow's Agenda approving a lease agreement with the Heritage Society for Sam Houston Park, it was an honor and privilege to restore and operate the nine historic structures there; that they were proud to be the city's partner; and urged favorable consideration. Council Members Lawrence, Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Lovell stated that the privilege was theirs and thanked all the board for being such good stewards; and she would be supporting the item. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Noriega absent.

Ms. Georgia Glover, 6633 W. Airport #405, Houston, Texas 77035 (713-409-0423) appeared, presented information and stated that she was representing the Fondren Crossing Council of Co-Owners who were seeking assistance in having something done to water lines

and storm and sanitary sewer piping facilities, they needed them inspected for leaks and have a report of the settlement of the backfill and soil in the surrounding areas of lines along the property; that the community was located at 6633 West Airport and numerous repairs had been made on West Airport over the past four years and they believed severe settling of the soil and backfill caused damage to two buildings with large cracks in driveways, etc., and a large sinkhole; that in 2001 after an engineering study of no settlement damage by the City they completed foundation repairs to a building at cost of nearly \$20,000.00 and in the past three years several lines were repaired there and new foundation repairs were again needed at a cost of over \$40,000.00; over the past summer lines were repaired in front of building 2 and now cracks on sidewalks, building, etc., when in 2007 they did over \$60,000.00 in repairs to the foundation there; that in information reported they would find a licensed engineers report stating their problems were directly resulted from washout caused by the city lines and they were acting in the best interest of those in the community and asking the City' to do a thorough investigation of lines along the property in the presence of their engineers and requested any underground lines be repaired and to backfill the soil. Council Members Lawrence, Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Khan stated that he was looking at the engineering report which stated pipes may be leaking; and asked Mayor White if someone from Public Works could give a briefing; and Ms. Glover stated that today two did come to the property, she met with them and the street had maybe a five inch to seven inch difference in street level and she showed them where they did repairs and a representative did say the storm line which went directly on the sidewalk did have breaks in the last four years, he said it was not the water lines, but it seemed to be the storm lines because it was totally uneven; and Council Member Khan stated that someone in Public Works should look at it and the first step would be checking for leaks. . Council Members Lawrence, Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Clutterbuck stated that it was a frustrating situation and she was told Ms. Glover met with some from Public Works today and understood in their evaluation they did not believe it to be the fault of the City of Houston; and upon questions, Mayor White stated he would say to a representative of Public Works he would like more analysis on what was found, today he received a brief memo and they heard the comment concerning the storm drain which was different than the water leak and he would like that analysis and it was good to distinguish between two things, first, had there been backfill or subsidence caused by lack of integrity of city piping or collapse of a storm drain and the second issue would be one the Council Member raised, citizens deserved a straight answer to it, and he wanted it to be clarified and would say to City Legal and Public Works in particular, he did not want a b or c answer or something where they thought he would not read the answer carefully to see if it was meaningful, in general he thought it would be that some responsibilities of the structural engineers and developers to build sufficient structural support for buildings and that support did take into account ..., well he agreed with a comment Council Member Khan made because if structural engineers assumed there would be no erosion then they would do things different but things happened; that if a big storm drain collapsed, as they surely would, he believed it was the policy of the city and response of Legal that the city did not have liability or if it did they would describe those liabilities and he thought that was what the answer would be, but they would find out if the city contributed, what the answer was, and he would not say if it was right or fair, but to citizens the logic seemed to be with so many underground drains which would at some time leak and collapse the entire issue under the law had been whether the taxpayer, citizens, should pay for it in the water rates or taxes or whether owners and developers of property should account for it when they accounted for structural support; and Ms. Glover stated that their main concern at this time was to see if there was something needed to be filled, with storm drain damage they needed to see if they should be filled and brought back to a level where they could do what was needed on their property to get where they needed to be, things were flowing now toward the city and causing damage; and Mayor White stated that he thought that was right, he heard

where she was coming from and would say to representatives of Public Works he thought what she said was a legitimate request of the city, if there was to be a storm drain and it collapsed or not working then why would they have one in the first place and if they did have it there it better do what it was supposed to do and with evidence it may have caused problems in the past, and this was an executive order which Public Works better listen to, then the work order should get to the top of the list to fix the problem of storm drains in light of circumstances to this particular case and he wanted a report on whether the city could do something on their side to cause less of a problem in the future; that this would be done. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Ms. Michelle Harris, 12731 Braeswood Glen, Houston, Texas 77072 (832-876-0339) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Ms. Lizzie Lovall, P. O. Box 711454, Houston, Texas 77271 (713-721-5320) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Jay Garrison, 12728 Hollandale, Houston, Texas 77082 (281-556-5195) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Shah Guo, 1515 Holcomb, Houston, Texas 77036 (832-771-0226) appeared, presented information and stated that she and the person with her were representatives of the new Town Dynasty Television and they were present to call attention to an amazing world class show; that Shen Yun Performing Arts would be returning to Jones Hall December 21 through December 23, 2009, with new performances, the Shen Yun Performing Arts celebrated the purity, excellence and grandeur of classical Chinese dance and music and was inspired by legends and beauty through years of Chinese culture; that they were given top ratings and urged all to go and experience the production. Council Members Lawrence, Johnson, Sullivan, Holm, Gonzalez, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to share with his colleagues that many of his friends saw this and said it was an amazing, awesome show and encouraged all to go; and thanked Ms. Guo for seeing that the show came to Houston. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega and Green absent.

Pastor Keith Williams, 6002 Antoine, Houston, Texas 77091 (713-951-1517) appeared and stated that he was present today speaking on the community development block grant which he thought was to be voted on tomorrow's Agenda; that he was a pastor and they had the right Place Community Center which was a literacy success center and as they came with an inequality existence in the community there was great opportunity to embark and aspire a community with hidden value and talents awaiting to be uncovered and explored; that he was speaking of the Antoine, Little York area and there was a great disconnect there between apartment residents and neighborhood residents and a breakdown of disengagement, there was a crisis; that he failed to comprehend the commitment level of public funding that would be placed in the trust of the apartment owners and investors; that in looking at Sterling Grove and Hollyview, two units to be voted on tomorrow with Sterling Grove to receive \$11 million and 172 units and Hollyview receiving \$8 million and 166 units, if it was correct Sterling Grove would get \$69,000 per unit for renovation and he had to question that; and Hollyview would receive \$48,000 per unit all public funding and his question was what would be done to make sure ...; that the community was in disarray before Hurricane Ike and the investors jumped on the

bandwagon, but how would they assure the funding was properly spent. Council Members Lawrence, Sullivan, Holm, Rodriguez, Lovell and Green absent.

Council Member Johnson thanked Pastor Williams for coming and stated that he had many conversations with him about improving aesthetics of the DeSoto and Acres Homes area in particular and how to improve quality of life for those there; that close to \$20 million would be invested in apartments in that area with hope and anticipation it would make a dramatic change for the overall look of the community; that he always said it made no sense to put lipstick on a pig, the fact was at the end of the day it would still be what it was; that they had to fix the interior and that was the people, how would they make sure those people had their lives made whole, the question for both complexes would be who would be the builder, who would be the developer, where would the jobs come and who would do the hiring; that when hiring was done within the community there was economic flow within the community and dollars then came and he wanted to make sure the \$20 million flowed within the Acres Homes community and if it could not it had to stay within the City of Houston's community, jobs at the end of the day encouraged people to place themselves on the right path; that he knew of his work and would continue to stand with him as they continued to ask the hard questions and make the community whole. Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Lovell and Green absent.

Mayor White stated that on the issue of getting the work done there were federal rules and certain skills needed with specialized trade and when it came to repair of projects they had prevailing wages and often it was union quality work; that one thing they should be looking at was in the social services field, it would be a little different to dictate all of what the employment of the sub contractors, but reasonable to think about if there was an element of wraparound social services that might be built into the project cost and he would ask they take a look at it and his committee might be the appropriate place to look at it; and Council Member Johnson stated that he wanted to be clear about his stance on working in collaboration with apartment complexes, at the end of the day the most important thing to do was tear them down and get rid of them or fix them up and they should not put people out of business, but the point was they make sure when buildings were built that there was opportunity for growth from within the community; that he would not say put someone in the deal who lived in the community and did not have qualifications, he supported the project but did want contractors doing much of the construction to do what he believed was the best job of finding qualified people from within the community because once the project was built and finished and the money spent the developer went away and they were back to where they were in the first place; that they needed to make sure there was a sustainability of the project and he believed it came through jobs and if you did not do that then it would be that same community that was going to tear the building back down within the next five years. Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that this item had not gone through the Housing Committee as yet it was on for their Thursday meeting and she had trepidation about it because the city received \$87 million from the state and it was disaster relief funds for Ike and it was a one shot deal, one lump sum and they could be fixing blue roofs; that yes, they had a problem with apartments but if the money was spent on that could they still fix blue roofs or fix houses actually destroyed by Ike and she invited him to attend their meeting Thursday at 2:00 p.m. Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Brown and Green absent.

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

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (292-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Brown and Green absent.

Mr. Pablo Rios, 8206 Peckskill, Houston, Texas 77075 (713-991-7014) appeared and stated that his problem was that his translator was not present and if there was another person who could explain his problem; that he needed a place to store his dump truck. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that her understanding was he was in violation of deed restrictions in his neighborhood and was that correct; and Mr. Rios stated that was correct; and Vice Mayor Pro Tem Lovell stated that Council could not override deed restrictions and it was something he would need to take up with his civic association and those in his community to see if they would allow him to be in violation of his deed restrictions. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4421 Alvin, Houston, Texas 77051 (832-374-5585) appeared and stated that she was present to speak in relationship to the City of Houston regarding increased ambulance fees; that she was opposing any increase to ambulance service because it would exclude those who needed and depended on it most; that the city was reflective of the people it served, many living in poverty were considered a bandit's prey and the Mayor and Council were stewards of the rich and poor and they should not be persuaded by every doctrine, but use their gifts for the good of others and not for the exclusion of them; that the poor lacked proper transportation, communication and finances and they depended on those who were strong to act on their behalf; that an added \$400.00 increase to the city service would add an extra burden to the backs of the poor and many other Houston citizens; that at a senior facility near her ambulances ran every few minutes and if one of them made three trips in a week it would be almost \$3,000; that Karen Dupont with the Fire Department said they checked nationally and found Houston was much less than others, but that was what good stewards did; that Houston's overhead and cost of living was not the same as nationally and they must apply honest weights of measure beneficial to all; that she was grieved and opposed to any increase; that she understood they pulled the item on this week's Agenda, but she would be keeping an eye out. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Cynthia Pharms, 6122 Cavalier, Houston, Texas 77087 (713-649-8113) appeared and stated that she was present on behalf of trees placed on Cullen Boulevard; they were placed in May and residents had complained tremendously about safety measures; that you could not see ongoing traffic when making a left turn from Cullen; that she went through the proper protocol and got with Council Member Adams and she drove the route and agreed it was dangerous; that they would like the trees adjusted or removed and it looked like someone adjusted them a little last night, but it was not enough and they already had several accidents at the intersection and she did have a petition. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that if Ms. Pharms had petitions and wanted to present them she could give them to Citizens Assistance. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she had calls from firefighters who said it was dangerous and would like them removed; and Ms. Pharms stated that a fire truck was in an accident there; and Council Member Jones stated that they also told her about a bump in the road by Cullen Middle School on Schott which caused a lot of motorcycles to wreck there because it needed fixing; and Ms. Pharms stated that she thanked them for the trees and if they could not adjust them they could put a traffic light at the location. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Rock Ruffin, 9721 Masterson, Houston, Texas 77029 (713-673-5539) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Renee O'Neal, 11006 Sagecanyon Drive, Houston, Texas 77089 (281-922-4368) appeared and stated that she was present disputing her water bill which was charged for two years prior, from 2007 to 2009 and over \$700.00, there were several discrepancies in the bill and she made numerous attempts to contact her Council Member and in October went to her Council Member's office and their assistant, Laura, assisted her in getting some resolution to the problem, but she still did not have complete resolution; that she was told there had been a malfunction in the computer system and the modulator and meter were replaced in February; that she had been paying a bill monthly and she was still getting different readings; that in 2008 PM Construction was contracted by the city to work on the sewage line and maybe they caused a problem to make her bill go up, but it continued to fluctuate and she needed assistance. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she was reading the report and her understanding was a hearing would occur in which a payment agreement would be made available to her, unfortunately sometimes the meters were read incorrectly and they would allow her to make payments; that regarding the meter still not being read correctly Mr. Drabek with Public Works was present and could speak with her at this time and she asked that he have someone go out to check the meters accuracy. Mayor White, Council Members Lawrence, Johnson, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Sullivan stated that he was watching the meeting from his office and they saw her name; that he visited with staff members who said they tried to assist her and the city offered solutions apparently not meeting her speculations and they were steering her toward the hearing; and upon questions, Ms. O'Neal stated the hearing would be Thursday and she would like to speak with him; and Council Member Sullivan stated that his staff was working with her and he would back out until the hearing and then if she was dealt an injustice they would get involved, but if she just did not like the results he would probably not be able to help, they were required to follow certain rules and procedures in hearings, but they were fair and responsive; and Ms. O'Neal stated that this enormous bill was an injustice and since no one could show her the water was consumed as the computer system and meter malfunctioned for two years so how could they assess what was used; and Vice Mayor Pro Tem Lovell stated that all would taken into account at the hearing. Mayor White, Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Loretta Franks, 1476 Wilcrest Drive, Houston, Texas 77042 (832-882-1545) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Greg Franks, 4002 Knottynold, Houston, Texas 77053 (281-635-0507) appeared and stated that for the most of this year looked for a target home in the districts and found one in the Fifth Ward, 6009 Crane, for \$50,000.00 he would receive from the HOPE Foundation; that he was special needs, he had back surgery in 2001, and he had been paying \$785.00 for rent when he made \$830.00; that he thought it best to have a doable mortgage and the HOPE Program was his answer but he was denied the grant money and it went to the end with Ms. Kenisha Freeman and Mr. Juan Chavez denying it and now he was petitioning Council as they asked for a drafted letter from Council and if this did not work what could he do as an alternative; that it was bad right now, he could get no affordable housing and that was his petition. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Franks stated that there was no application, you find a realtor and lender and they put your file together and appease the city with regulations of the home, the inspection, and it goes to Sawyer; and Council Member Jones stated that it was the HOPE Project where you find a home in Fifth Ward, Third Ward, etc., and Mr. Franks stated that was the project and he found one in Fifth Ward; and Council Member Jones stated that she would try and help him, but you had to qualify; and Mr. Franks stated it was the HOPE Home Foundation and he found a home in one of the targeted areas and went to the eight hour first time homebuyers class and the Home of Your Own Orientation through Cerebral Palsy and his credit score was 670 so he met all guidelines; and Council Member Jones stated that a staff member, Ingrid, was present and would speak with him and they would see what could be done; and Mr. Franks stated that he understood Council Member Khan directed a special needs program and if they could not help him maybe Council Member Khan could be of assistance; that he spoke with Alvin Byrd in Council Member Johnson's office, but nothing happened. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she would give him phone numbers to two people, one with the Mayor's Office People with Disabilities to help him get information, Mr. Jeff Anderson, and second would be Ms. Andrea Young with the Home of Your Own Program of the Mayor's Office to make sure he received necessary information; that they headed up both programs and they could assist him and find out what happened. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she too thanked Mr. Franks for coming to Council with such a serious matter and waiting as long as he had; that the Mayor would be seeing this and she would say to him this was exactly the kind of person they needed in Houston HOPE Neighborhoods, he was the exact kind of person and quality of person, the hardworking city employee they needed to make sure received assistance for affordable housing in line; that currently the market allegedly was not responding to this and she was very concerned that today someone was in front of them who had applied for it and was denied, when tomorrow an item was on their Agenda for two model homes, not affordable housing homes, but model homes, and to her it was an outrage they would be paying money to build model homes when they were denying people like him and possibly others affordable housing in this city. Mayor

White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, P. O. Box 26325, Houston, Texas 77027 (832-292-5203) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Floyd Dewayne Brothwell, no address (no phone) appeared and stated that God showed him this country had removed their father's boundaries and landmarks, Proverbs 22:28 and he went to HPD and said he had no jacket and no blanket and he was told he was trespassing and needed to leave and he said they were sinning against the Lord and the reason he was homeless; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) appeared and stated that he was upset to hear what they said about the previous speaker's water bill as he was having the same issue with his bill and it was his third time present on the issue; that the Mayor said someone would look into it and something would be done, but they had come in his neighborhood and dug up his sidewalk and meter three times, a contractor, and broke his water line two times and then they came back with he had to be responsible for something he did not do and it disturbed him to ride around and see water flowing from hydrants and pipes busted and wondered who paid for that. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she believed his District Council Member was Council Member Johnson; and upon questions, Mr. Ballard stated that he spoke to him and nothing had been done; and Council Member Noriega stated that they were concerned with his coming today and wanted to make sure he was connected with Mr. Drabek with Public Works; that Council Member Johnson had to leave, but asked her to let him know; and upon questions, Mr. Ballard stated that he spoke to no one; and Council Member Noriega stated she was not sure what had gone on up to now, but Council Member Johnson asked her to get him with those who could get him moving forward and Mr. Drabek could speak with him at this time. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (no phone number given) appeared and stated that he was requesting more time to speak; that he was being attacked by a global Mafia organization; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:27 p.m. City Council recessed until 9:00 a.m., Wednesday, December 9, 2009. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez,

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

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

At 8:15 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:40 Mayor White called the meeting to order. Council Members Rodriguez, Lovell, Green and Jones absent.

### **HEARINGS - 9:00 A.M.**

The City Secretary stated that they had three hearings and no one had signed up to appear at Item Numbers 1, 2 and 3; that Mr. Richard Chapin would make remarks on behalf of Public Works. Council Members Rodriguez, Lovell, Green and Jones absent.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for CR V Hardy Yards L.P. for the site located at 1400 Fulton Street - **DISTRICT H – GONZALEZ** – was called. Council Members Rodriguez, Lovell, Green and Jones absent.

Mr. Richard Chapin appeared and stated that he was a Senior Project Manager in the Department of Public Works & Engineering, that as they may recall, the Texas legislature authorized Municipal Setting Designations or MSDs six years ago, that an MSD designated a particular parcel, beneath which contaminated groundwater was prohibited from use as potable water, that per the State law as administered by the Texas Commission on Environmental Quality MSDs were intended to encourage redevelopment of vacant or abandoned property while protecting the public health, that he was present today because, although the TCEQ was the agency that issued the MSD, participation in the State program required local support, that on August 22, 2007, City Council amended Chapter 47 of the Code of Ordinances by adding a new Article 13, that Council action provided a process by which the City may support, or not support, a party's MSD application to the State, that today they were holding a public hearing for two applications, that the first application was submitted by D/J Venture for 1/2 acre of land located at 3131 Argonne Street, that an office building that was built in the 80s and demolished in 2003 was the only development on the site and the site was currently used as a restaurant parking lot, that environmental investigations had identified contamination in the soils and groundwater, but no surface source remained on the site, that based on environmental sampling, the groundwater contaminant plume appears to be stable and is on average 35 feet below ground, however, five contaminants of concern still exist in the groundwater that exceeded human ingestion protection levels; that the second application was submitted jointly by CR V Hardy Yards Limited Partnership, Union Pacific Railroad and Gulf States Investment Corporation for the Hardy Street Rail Yard site, 53.6 acres of land located at 1400 Fulton Street, that the properties included warehouses, a railroad and a switching yard, and a former rail yard and associated maintenance and servicing facilities, that the properties were entered into the Voluntary Cleanup Program and had been issued a Conditional Certificate of Completion, that there was a chlorinated solvent plume in the upper and secondary zones of the Groundwater Bearing Unit, which were delineated and stable, that a weathered diesel non-aqueous phase liquids plume was discovered in the upper zone, which was delineated and stable, however contaminants of concern still existed in the groundwater that exceeded human ingestion

protection levels, that today's public hearing was a required step in the MSD process, that in March written notices were mailed to property owners within ½ mile of D/J Venture Property site and to owners and operators of water wells within 5 miles of the property, that PWE then hosted a public meeting on April 7th, at the Upper Kirby District Center, that the public meeting was well-attended and representatives of D/J Venture Property were present at the meeting to answer questions, that on October 2nd written notices were mailed to property and water wells owners close to CR V's Hardy Street Rail Yard site, that PWE hosted a public meeting on November 5th, at the Jefferson Davis High School, which was located near the Hardy Street Rail Yard site, and a second public meeting was held on December 7<sup>th</sup> at the Jefferson Davis High School for Union Pacific and Gulf States Investment Corporation which joined the application after the first notices were sent out, that the public meetings were well-attended and representatives of all the applicants were present at the meetings to answer questions, that based on the information supplied in the application, input from various City Departments, and input at the public meetings, the Director of Public Works and Engineering requests this public hearing and was currently preparing separate recommendations to support these two MSD applications, that depending upon the outcome of today's hearing, the Director of Public Works and Engineering would forward two separate requests for Council to adopt ordinances to support these MSD applications, that these ordinances included all elements required by State law and Article 13 of Chapter 47 of the Code of Ordinances, that in particular, it stated the City's support of the application to TCEQ for D/J Venture and for CR V Hardy Yards Limited Partnership, Union Pacific Railroad, and Gulf States Investment Corporation, that it prohibits the use of groundwater from beneath the designated property as potable water and described the maximum depth of the designated groundwater, in this case, to be 200 feet. Council Members Rodriguez, Lovell, Green and Jones absent.

Council Member Khan moved to close the public hearing listed as Item No. 1, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Rodriguez, Lovell, Green and Jones absent. MOTION 2009-0878 ADOPTED.

2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for D/J Venture for the site located at 3131 Argonne Street - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ** - was called. Council Members Rodriguez, Lovell, Green and Jones absent.

Note: The remarks of Mr. Chaplain on Item No. 1 also related to Item No. 2. Council Members Rodriguez, Lovell, Green and Jones absent.

Council Member Khan moved to close the public hearing listed as Item No. 2, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Rodriguez, Lovell, Green and Jones absent. MOTION 2009-0879 ADOPTED.

3. **PUBLIC HEARING** on proposed airport hazard area regulations and the accompanying maps – was called. Council Members Rodriguez, Lovell, Green and Jones absent.

The City Secretary stated that Mr. Eric Potts, Interim Director of the Houston Airport System, would make remarks on the hearing. Council Members Rodriguez, Lovell, Green and Jones absent.

Mr. Potts stated that this public hearing was on the proposed airport hazard area regulations and maps and was required by State statute prior to their consideration of the proposed regulations, that these regulations would provide the tools for the City to effectively control airport hazards within the area shown on the maps they had provided, that this was the second step in a process that began last year with the adoption of the compatible land use regulations, that protection of these airport hazard areas was a condition of acceptance of FAA

Grants and critical to the safe operation of their airports, that the ordinance would establish airport hazard areas around IAH and both Hobby and Ellington Airports, as shown on the maps provided, that the Hobby and Ellington airspace were combined as they overlapped in many instances, that in addition, any structures over 200 feet above ground level anywhere in the City, was subject to the ordinance, that these hazard areas were based on FAA criteria to protect the safety of aircraft operations and the efficient operations of the airports, that the ordinance would limit the height of new structures and objects of natural growth in the airport hazard areas and control other potential hazards to the airport operations, such as electronic emissions or highly reflective surfaces, that the ordinance would include all present or future runways at these two airports, as well as Ellington Airport, and would provide more effective tools for timely analyzing and permitting proposed construction, that the ordinance would require an Airport Hazard Area Permit for construction on the airport hazard area, which would be administered in conjunction with the building permit process and would incorporate FAA review and hazard determination as required by FAA regulations, that the airport commission had held two public hearings on these proposed regulations and had recommended them to City Council for approval, that they would notice that some of the airport hazard areas lay outside of the City jurisdiction, the regulations required that an Airport Hazard Area Permit in these areas as permitted by State law, that without the participation of other jurisdictions, however, they may not have the tools to ensure compliance to the degree as within the City, thus the Houston Airport staff would continue working with those other jurisdictions in an airport hazard area to develop cooperative means of enforcement, that in closing HAS and Planning Department staff had worked with the Airport Commission and affected stakeholders on these proposed regulations and would at a later Council meeting present the regulations for Council consideration. Council Members Green and Jones absent.

Council Member Sullivan asked Mr. Potts that when he mentioned neighboring cities to the airport he wanted to see if he could give them a quick snapshot of where Humble was with respect to IAH and Pasadena with respect to EFD; and Mr. Potts stated that they had contacted both of those entities and had worked a little bit more with the Humble Mayor and City officials and were looking at potentially coming to some kind of interlocal agreement at some point but would continue those discussions, that Pasadena on the other hand they had made contact with them and still continued to work with them. Council Members Green and Jones absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Adams. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0880 ADOPTED.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 4 through 64**

#### **MISCELLANEOUS** - NUMBERS 4 through 6

4. CONFIRMATION of the reappointment of the following to the **ETHICS COMMITTEE** for two years:  
Position Five - **MR. RICK CAGNEY**  
Position Seven - **MR. JOHN JAY DOUGLASS**  
- was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0881 ADOPTED.
5. REQUEST from Mayor for confirmation of the appointment of **MR. STEPHEN M. FRAGA**, to Position Eleven to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for an unexpired term ending August 31, 2011 - was presented, moved

by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0882 ADOPTED.

6. RECOMMENDATION from Director General Services Department for the designation of a residential parking permit area in the Super Neighborhoods of University Place and Washington Coalition/Memorial Park - **DISTRICTS C - CLUTTERBUCK and H - GONZALEZ** - was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0883 ADOPTED.

**ACCEPT WORK** - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,181,869.91 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Improvement of Disinfecting Facilities at Sims Bayou and Bellaire Braes Pump Station - 2.17% under the original contract amount - **DISTRICTS D - ADAMS and F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0884 ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item No. 50 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0885 ADOPTED.

50. ORDINANCE approving Lease Agreement with the **HERITAGE SOCIETY** for Sam Houston Park and the buildings thereon - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1237 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 14

8. **NEWMAN & NEWMAN, INC** for Consulting Services for Expansion of the "Together Against the Weather" Community Outreach for Special Needs Population for the Administration & Regulatory Affairs Department - \$95,600.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0886 ADOPTED.
9. **AAA ASPHALT PAVING, INC** for Parking Improvements at Lot "C", 1600 Memorial Drive for the General Services Department - \$214,231.50 and contingencies for a total amount not to exceed \$235,654.65 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0887 ADOPTED.
10. **ACUSHNET COMPANY** for Resale Items for Golf Course Pro Shops for Parks and Recreation Department - \$140,000.00 - Park Special Revenue Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0888 ADOPTED.
12. **KEMIRA WATER SOLUTIONS, INC (Bid No. 2)** for Chemical, Inorganic Metal Salt Coagulant for Department of Public Works & Engineering - \$1,583,182.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member

Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0889 ADOPTED.

13. **SOUTHERN IONICS** for Chemical, Aqua Ammonia for Department of Public Works & Engineering \$1,346,873.89 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0890 ADOPTED.
14. **AMEND MOTION 2007-533, 6/6/07, TO INCREASE** spending authority from \$300,550.00 to \$375,687.50 for Onan Generator Replacement Parts and Repair Services for Various Departments - \$75,137.50 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0891 ADOPTED.

**ORDINANCES** - NUMBERS 18 through 64

18. ORDINANCE relating to rates for Contract Treated Water Service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and provisions related to the subject; providing a repealing clause – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1238 ADOPTED.
19. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **LANGWOOD SUBDIVISION, SECTION 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1239 ADOPTED.
20. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTWOOD SUBDIVISION, SECTIONS 1, 5 and SECTION 2 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1240 ADOPTED.
21. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTWOOD SUBDIVISION, SECTION 4 and WESTWOOD SUBDIVISION, SECTION 5 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1241 ADOPTED.
22. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SUGAR VALLEY SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1242 ADOPTED.
23. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **LEAWOOD SUBDIVISION, SECTIONS 1 - 3 and 5** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1243 ADOPTED.

24. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ANDOVER PLACE SECTIONS 1 and 3 - 5, ANDOVER PLACE SECTION 2 REPLAT, EASTMORE, SOUTHVIEW REPLAT AND FAIRLAWN PLACE SUBDIVISIONS** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1244 ADOPTED.
25. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **MAXCY ESTATES SUBDIVISION, SECTIONS 1 AND 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1245 ADOPTED.
26. 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 2009B, 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; Designating a Segregated Account; authorizing a Bond Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency - had been pulled from the Agenda by the Administration, and was not considered. Council Member Green absent.
28. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, N.S.B.B., John Austin Two League Grant, A-1, Houston, Harris County, Texas (Parcel SY8-046): vacating and abandoning said street to Houston Independent School District, the abutting owner, in consideration of its payment of \$323,826.00, and other consideration to the City - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1246 ADOPTED.
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Loretto Street, from Richmond Avenue north to its terminus, (2) Colquitt Street, from Mandell Street to Loretto Street, (3) 3,675 square feet, more or less, of excess Mandell Street Right-of-Way, and (4) The Camp Logan Sanitary Sewer Line (Parcels SY9-048A through SY9-048E); vacating and abandoning said Street Rights-of-way and easement to Menil Foundation, Inc, and the Richmond Corporation, abutting owners, in consideration of (A) Owners' conveyance to the City of (i) Full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street Rights-of-way (Parcels VY9-030A and VY9-030B), and (ii) 17,040 square feet of land for the expansion of Richmond Avenue Right-of-way (Parcels AY9-460A and AY9-460B), located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, Houston, Texas, (B) various obligations undertaken by owners and the City in a Real Property exchange agreement among owners and the City, and (C) other good and valuable consideration; approval of and authorization for the City to enter into said Real Property Exchange Agreement **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1247 ADOPTED.

30. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386 (Now known as HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386)**; amending Ordinance No. 2004-1170 relating thereto – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1248 ADOPTED.
31. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 387 (Now known as HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 387)**; amending Ordinance No. 2006-489 relating thereto – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1249 ADOPTED.
34. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1250 ADOPTED.
35. ORDINANCE appropriating any and all funds contributed to and received into the Contractors' Responsibility Fund (Established by Ordinance No. 2007-0931 for the purpose of defraying the costs of health benefits to small employers who were previously uninsured) through the end of Fiscal Year 2010; approving and authorizing contract with **TEXHEALTH HARRIS COUNTY 3-SHARE, INC** to market and provide such benefits – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Green absent.
36. ORDINANCE relating to the fiscal affairs of the Old Spanish Trail/Almeda Corridors Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Year 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1251 ADOPTED.
39. ORDINANCE approving and authorizing Customer Service Agreement among the City of Houston, **TEXAS NICUSA, LLC** and the **STATE OF TEXAS** for Online Payment Services for the Municipal Courts Administration and Planning & Development Departments - Revenue – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1252 ADOPTED.
42. ORDINANCE approving and authorizing contract between the City and **MONTROSE COUNSELING CENTER, INC** for Elderly Services provided through the Harris County Area Agency on Aging; providing a maximum contract amount - \$118,944.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1253 ADOPTED.
43. ORDINANCE approving and authorizing second amendment to the Grant Agreement between the City of Houston and **WILLIAM A. LAWSON INSTITUTE FOR PEACE & PROSPERITY DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1254 ADOPTED.
44. ORDINANCE approving and authorizing agreement between the City of Houston, **FAMILY HOUSING DEVELOPMENT CORPORATION** and **AMEGY BANK** to provide a Second Lien Construction Loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT**

**H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1255 ADOPTED.

45. ORDINANCE approving and authorizing Performance Based Loan Agreement between the City of Houston and **JACKSON HINDS GARDENS, INC (“Owner”)**, to provide \$1,200,000 in Community Development Block Grant Funds to pay off the Senior Loan owed by owner to Houston Housing Finance Corporation relating to the acquisition and renovation of a 90-unit very low income single room occupancy project located at 607 Thornton Road, Houston, Texas **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1256 ADOPTED.
48. ORDINANCE approving and authorizing agreement between the City of Houston and **7600 RE, L.P.** to provide a \$5,475,000.00 Performance-Based Loan of Federal "CDBG - DR" Funds for costs to repair and rehabilitate Creekbend Apartments located at 7600 Creekbend, Houston, Texas, of which 100 units will be restricted to CDBG standards all of which must be leased to tenants with 80% or less of the AMI at rents not to exceed high home rent restrictions - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1257 ADOPTED.
52. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of General Services Department; providing a maximum contract amount - (\$116,932.92 Previously appropriated) – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Green absent.
54. ORDINANCE appropriating \$217,974.00 out of Street & Bridge Consolidated Construction Fund and awarding construction contract to **USA ENVIRONMENT, L.P.** for Soil Disposal for Right-of-way Fleet Maintenance Facility at 100 Japhet Street and 1700 East Crosstimbers Street; setting a deadline for the bidder’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1258 ADOPTED.
56. ORDINANCE approving and authorizing Professional Residential Post Weatherization Home Inspection Contract between the City of Houston and the **NELROD COMPANY** for the Residential Energy Efficiency Program (REEP) - 3 Years - \$2,500,000.00 - American Recovery & Reinvestment Act Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Green absent.
57. ORDINANCE appropriating \$9,613.00 out of Public Library Consolidated Construction Fund for Asbestos Abatement and Disposal at Elizabeth L. Ring Branch Library - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1259 ADOPTED.
58. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath 1.003 acres of land commonly known as 8200 Southwest Freeway, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission On Environmental Quality; providing for severability - **DISTRICT F -**

**KHAN** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1260 ADOPTED.

59. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath a tract of land containing 3.4231 acres commonly known as 2806-2818 Hullsmith Drive, and a portion of the Westheimer Road Right of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1261 ADOPTED.
60. ORDINANCE awarding contract to **SYNAGRO OF TEXAS-CDR, INC** at the Southeast Water Purification Plant for On-site Water Treatment, Sludge Dewatering and Disposal Services; providing a maximum contract amount - 3 Years with two one-year options - \$2,007,600.00 Enterprise Fund – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1262 ADOPTED.
61. ORDINANCE awarding contract to **ANCON MARINE** at the Northeast Water Purification Plant for On-site Water Treatment, Sludge Dewatering and Disposal Services; providing a maximum contract amount - 3 Years with two one-year options - \$3,531,558.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1263 ADOPTED.
62. ORDINANCE awarding contract to **WESTERN HORTICULTURAL SERVICES, L.P.** for Landscaping Services for the Convention and Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,481,898.00 - Enterprise Fund **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1264 ADOPTED.
63. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston, Texas and **SIEMENS INDUSTRY, INC** for Negotiated Work Orders for Investment Grade Audit of various City Waste Water Treatment Facilities; preparing for compensation to be paid by the City - \$7,500,000.00 - Combined Utility System General Purpose Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Green absent.
64. ORDINANCE appropriating \$324,243.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDC, INC** for Safe Routes to School Program; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2009-1265 ADOPTED.

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

**PURCHASING AND TABULATION OF BIDS**

11. ORDINANCE appropriating \$17,547.04 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Vehicles for the Houston Police Department – was presented. Council Member Green absent.

After discussion by Council Members, Council Member Adams asked if HPD could supply

her with a list of take home vehicles and mileage, and Council Member Lawrence stated that she would tag Item Numbers 11 and 11a, and Mayor White stated that either now or before December 31, 2009 or in the future this would be an appropriate topic for a hearing of the Public Safety Committee. Council Member Green absent.

11a. **PHILPOTT MOTORS, LTD.** for Purchase of Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Police Department \$167,543.04 - Equipment Acquisition Consolidated Fund – was presented, and tagged by Council Member Lawrence.

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

DIR - \$75,000,000.00

GTSI CORP. - \$6,000,000.00

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

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

- was presented, and tagged by Council Member Johnson.

## **ORDINANCES**

16. ORDINANCE **AMENDING ARTICLE V OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to trees, shrubs and screening fences; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. 2009-1266 ADOPTED.

17. ORDINANCE **AMENDING ARTICLE XVII OF CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to impairments and obstructions of roadways and sidewalks; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. 2009-1267 ADOPTED.

27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Kleberg Street, Fayette Street and Val Verde Street, each from McCulloch Circle to Yorktown Street (Parcels SY3-046A through SY3-046C, respectively), and four utility easements and attendant aerial easements (Parcels SY3-046D through SY3-046G); abandoning said streets and easements to Houston Independent School District in exchange for the conveyance to the City of three 20-foot wide utility easements (Parcel VY4-001A through VY4-001C) and certain payments to the City - **DISTRICT C – CLUTTERBUCK** - was presented.

After discussion Council Member Clutterbuck stated that with this particular TIRZ they had a number of challenges not the least which was that they at the City making sure that the TIRZ met their commitment to the City both on their certificates of obligation that they had to the City as well as now on this prior commitment that they made many years ago now that they were closing in on it, they needed to make sure that they paid what they owed the City for the street abandonment's, that she had spoken with Tim Douglass and he had assured her that they were going to make sure that there was a schedule put in place, that she wanted it put on the record that they fully intended to have an itemized schedule by which they would pay for these easements and that it would not be out of the same amount of money that they had already

committed to pay off their certificates of obligation, that it was a separate commitment and she planned to follow up with the board, each individual board member on that, to solemnize that understanding and commitment on the City's part and they looked forward to seeing the final documents.

A vote was called on Item No. 27. All voting aye. Nays none. 2009-1268 ADOPTED.

32. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the **TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM)** to accept FY09 Regional Catastrophic Preparedness Grant Program Funding and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs - \$3,617,000.00 - Grant Fund – was presented.

After discussion Council Member Clutterbuck stated that she understood that Item No. 32 required a match and she wanted to make sure that the public and the Council understood that and wondered on Item No. 33, which was a significant one of over \$17 million in grant funds and did not notice a match requirement on that one and would like an answer to that, and Mayor White stated that they would get that information to her.

A vote was called on Item No. 32. All voting aye. Nays none. 2009-1269 ADOPTED.

33. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the **TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM)** to accept FY09 Homeland Security Grant Program Funding and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs \$17,101,370.00 - Grant Fund – was presented. All voting aye. Nays none. 2009-1270 ADOPTED.
37. ORDINANCE approving and authorizing agreement between the City of Houston, Texas, **THE HARDY/NEAR NORTHSIDE REDEVELOPMENT AUTHORITY**, and **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)** in connection with the City's Reinvestment Zone Number Twenty-One over the Hardy/Near Northside area; approving the Fiscal Year 2010 Operating Budget for the Authority as provided for in the Agreement - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. 2009-1271 ADOPTED.
38. ORDINANCE approving first amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)**; authorizing the City Secretary to distribute such plans **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. 2009-1272 ADOPTED.
40. ORDINANCE appropriating \$3,515,246.00 out of Houston Airport System Consolidated 2004 AMT Fund and \$61,517.00 out of Airports Improvement Fund, awarding Construction Manager At Risk Contract to **MANHATTAN CONSTRUCTION COMPANY** for Renovations at Terminal D at George Bush Intercontinental Airport/Houston (Project 500N); providing funding for the Civic Art Program - **DISTRICT B – JOHNSON** – was presented.

Upon questions by Council Members, Mr. Hall stated that the State Legislature, some time ago, authorized alternative procurement processes for construction and among them was what

was called construction management at risk, that the essence of this was to try to assure a kind of cap on the financial commitment and exposure that the City would have, that the way that the process worked was that there was a request for submission of qualifications so that they could pre-qualify all those who were capable of doing the thing and then they submit proposals for doing it and experts sit down and the substantive judgment that they have to make was what offered the best value to the City and there was a scoring method that was available if they would like to see it for each of the areas of concern, that cost was obviously a major one of those, but there were other things that they could consider and that was design efficiency and all of that business, that the substance of the delivery process was to shift the burden of the exposure or completion of the project without overruns, and that kind of thing, to in fact the management firm who was in fact in charge of the project, that this was intended to allow consideration of things other than just what the price was, that as they knew there had been all kind of discussion about whether or not they drive up the prices by the nature of the way they designed projects and that kind of thing, that here they take advantage of the expertise much the way it was done in the private sector, the expertise of all of the parties involved in their capacity to give them a more efficient product, that one could argue which was better and which had risk but in this instance the airport had been particularly a leader in using these alternative delivery processes to cap prices in effect because most of them were large in reality; that they would get them a written response to all Council Members, that as he understood the nature of the process construction manager at risk makes the same evaluation that a normal contractor would for developing their pricing or proposal, that in other words to answer the question was there a formal bid process he did not think so, did they ask for proposals and get the prices, that the reality was and what made it sensitive was who was used was on their dime in reality.

Mayor White stated that somebody could get to Council Member Khan the answer to the following question and he would state it plainly, were there portions of the subcontracting which the bidder, who was awarded the bid on a construction manager at risk, intended to do on a low bid process among the subcontractors and if not what would the process be by those individuals.

After further discussion by Council Members a vote was called on Item No. 40. All voting aye. Nays none. ORDINANCE 2009-1273

41. ORDINANCE approving and authorizing Amendment No. 1 to Private Switch Provider Service Agreement between the City of Houston and **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** for the Houston Airport System - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2009-1274

Council Member Jones stated that some items that she placed to be pulled were not so she wanted to record some votes for the record, that Item Numbers 44 and 45 were not pulled and for the record she wanted to vote “no” on Item No. 45 because the City could not refinance with CDBG Funds as it appeared they were trying to do with that project, that she also wanted to discuss Item No. 43, which was not pulled, and she was going to say that it was a good project because the Housing Department was actually doing what HUD asked for them to do.

Council Member Sullivan stated that he had been in situations before where he accidentally missed a vote and was instructed by the Chair and his colleagues that the appropriate time for discussion on items that had already been voted on was during pop off, that he would like to see that fairly and equitably enforced everywhere.

46. ORDINANCE approving and authorizing agreement between the City of Houston and **HOLLY VIEW APARTMENTS, LLC** to provide a \$8,020,000.00 Performance-Based Loan of Federal "CDBG-DR" Funds for hard costs to repair and rehabilitate Hollyview

Apartments located at 5555 Holly View Drive, Houston, Texas, of which 166 units will be restricted as CDBG Affordable Floating Units for a period of five years for residents whose annual income does not exceed 80% of AMI at rents not to exceed high home rent limits - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Jones.

47. ORDINANCE approving and authorizing agreement between the City of Houston and **STERLING GROVE L.P.** to provide a \$11,943,067.00 Performance-Based Loan of Federal "CDBG-DR" Funds for hard costs to repair and rehabilitate Sterling Grove Apartments located at 6420 Antoine, Houston, Texas, of which 172 units will be restricted as CDBG Affordable Floating Units for a period of five years for families whose annual income does not exceed 80% of AMI at rents not to exceed high home rent limits - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Jones.
49. ORDINANCE amending City of Houston Ordinance No. 2008-1051 passed on November 19, 2008, which approved and authorized substantial amendment to the 2008 Consolidated Action Plan ("Plan") by adding a new grant for the Neighborhood Stabilization Program ("NSP"), to redistribute funding for projects under the NSP - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I – RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2009-1275
51. ORDINANCE approving and authorizing first amendment to contract for Latent Print Support Services between the City and **RON SMITH & ASSOCIATES, INC** to provide Management Services to the Houston Police Department's Identification Division; providing a maximum contract amount - 2 Years - \$4,000,000.00 - General Fund – was presented.

Council Member Noriega offered the following written motion to amend Item No. 51:

"Motion by C.M. Melissa Noriega to amend Section 4 of the ordinance for item 51, a contract with Ron Smith & Associates, Inc. on the December 9 Council agenda, to reduce the maximum contract amount set out in Section 4 to \$2,902,037."

Council Member Noriega stated that they had a second page that had a breakout of where the funds were going to go, that it was about the latent print situation, that her intent was to provide a way forward, that it was a very serious concern, that they were talking about funding the day to day operations, the backlog of case analysis and reanalyzing cases for the remainder of the Fiscal Year 2010, they were not talking about the whole contract.

Council Member Lawrence stated that she would tag Council Member Noriega's motion to amend Item No. 51.

After further discussion by Council Members, Council Member Johnson stated that he would tag the main item and Council Members Jones tagged the amendment.

After further discussion Council Member Lawrence stated that she would release her tag on Council Member Noriega's motion and tag the main item.

After further discussion Council Member Jones stated she would release her tag on Council Member Noriega's motion to amend Item No. 51 and a vote was called on the motion to amend. Council Member Jones voting no, balance voting aye. MOTION 2009-0892 ADOPTED.

Mayor White stated that Item No. 51, as amended, had been tagged by Council Members Lawrence, Johnson, Noriega, Jones and Green.

53. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the Houston Airport System; providing a maximum contract amount - (\$2,548,000.00 Previously appropriated) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

After discussion Council Member Johnson stated that the question that he had was in respect to the MWBE and would like to get some clarity, that there was a zero MWBE goal assigned to this portion of the contract and he was trying to figure out why that was, but from the HAA there was a 5% goal assigned, so he needed to find out what was the difference, why was there a zero percent on one half and a 5% on another, that he would tag Item No. 53. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

Council Members Sullivan and Jones stated that they would add their tag to Item No. 53. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

55. ORDINANCE approving and authorizing four contracts between the City of Houston and **PAYLESS INSULATION, INC, DIRECT ENERGY LP, STANDARD RENEWABLE ENERGY LP, and PMG PROJECT MANAGEMENT LLC** for the Residential Energy Efficiency Program (REEP); containing provisions relating to the subject; establishing a maximum contract price 3 Years - \$5,000,000.00 each - American Recovery & Reinvestment Act Funds – was presented, and tagged by Council Member Green. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

**NON CONSENT AGENDA** - NUMBERS 65 through 69

**MISCELLANEOUS**

65. RECEIVE nominations for appointments to Positions 6, 7, 8 and 9 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for terms to expire December 31, 2011, and for Chair for a term to expire December 31, 2010 – was presented.

Council Member Clutterbuck stated that she had submitted nominations for Positions 6, 7, 8 and 9 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas and everybody should have a copy of them and had nominated Mr. Gary Baumgartner for position 6, Mr. J. David Enloe, Jr. for Position 7, Mr. Walter Goff for Position 8 and Mr. Bill Hutz for Position 9.

Council Member Khan moved to close nominations, seconded by Council Member Sullivan. All voting aye. Nays none. MOTION 2009-0893 ADOPTED.

66. RECEIVE nominations for appointments to Positions 18, 19, 20, 21 and 22 of the **HOUSTON READ COMMISSION** for three year staggered terms from the date of appointment - was presented.

Council Member Rodriguez stated that he would nominate Ms. Adriana Tamez for Position 19 of the Houston Read Commission.

Council Member Noriega stated that she would nominate Ms. Martha Daniel for Position

21 of the Houston Read Commission.

Council Member Gonzalez stated that he would nominate Ms. Carmen Nuncio for Position 18 of the Houston Read Commission.

Council Member Lawrence stated that she would nominate Mr. Philip Fraissinet for Position 22 of the Houston Read Commission.

Council Member Adams stated that she would nominate Mr. Larry McKinzie for Position 20 of the Houston Read Commission.

Council Member Khan moved to close nominations, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2009-0894 ADOPTED.

67. **SET HEARING DATE** regarding amendment to the Project Plan and Reinvestment Zone Financing Plan for **TAX INCREMENT REINVESTMENT ZONE NUMBER NO. 2 (MIDTOWN ZONE) - DISTRICTS D - ADAMS and I – RODRIGUEZ - SUGGESTED HEARING DATE - 9:00 A. M. - WEDNESDAY - NOVEMBER 18, 2009** – was presented.

Council Member Khan moved to set Tuesday, December 29, 2009, for a hearing regarding the amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number No. 2 (Midtown Zone), seconded by Council Member Rodriguez. All voting aye. Nays none. MOTION 2009-0895 ADOPTED.

68. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Drive - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I – RODRIGUEZ - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JANUARY 27, 2010** - was presented.

Council Member Khan moved to set Wednesday, January 27, 2010, for a hearing to consider a Municipal Designation Ordinance (MSD) for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Drive, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0896 ADOPTED.

69. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **REID C. WILSON, on behalf of Maryland Manor Associates/Buckhead Investment Partners, Inc** on the denial of Building Permit for Sitework and Foundation at 1717 Bissonnet - **DISTRICT C – CLUTTERBUCK** – was presented.

Council Member Clutterbuck moved to uphold the decision of the General Appeals Board to deny the appeal, seconded by Council Member Khan, and Council Member Clutterbuck stated that this was an appeal submitted by Reid Wilson on behalf of the Maryland Manor Associates/Buckhead Investment Partners for the denial of the building permit for site work and foundation at 1717 Bissonnet, also known as the Ashby High-rise, that the real issue was whether or not their ordinance and the building code, specifically Section 31-10.4, provides that the engineer of the Department of Public Works shall make a determination pursuant to the guidelines set forth in the City Code as to whether or not a driveway applied for was necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, and in her opinion the General Appeals Board ruled correctly in denying their review and this was an issue of whether or not the City's ordinances and whether or not specially their building code would be able to continue, that this particular aspect and section of

the building code was essential to continue what they had in an un-zoned city, being able to provide reasonable access to the property consistent with the public safety as well as the convenience of the public and this particular application made by these appellants was rejected because the traffic count was too high and having a driveway there with that kind of traffic count would result in safety concerns and an inconvenience to the public, that she thought that it should be noted that this appellant also was granted a building permit, which they had not picked up, on a subsequent submission and thought that was important to note that after they granted their subsequent submission they were now appealing a previous submission, and she urged her colleagues in upholding the decision of the General Appeals Board.

After discussion by Council Members, a vote was called on the motion to uphold the decision of the General Appeals Board. All voting aye. Nays none. MOTION 2009-0897 ADOPTED.

**MATTERS HELD** - NUMBERS 70 through 94

70. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering, reviewed by the Joint Referral Committee, on request from Ryan Taaffe of Orr Commercial, on behalf of OCT Heights, LTD (Robert C. Orr, Jr., General Partner), for abandonment and sale of a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey, Parcels SY10-012 and VY10-032 - **DISTRICT H – GONZALEZ – (This was Item 7 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER GONZALEZ)** - was presented. All voting aye. Nays none. MOTION 2009-0898 ADOPTED.

Council Member Khan stated that he understood that Item Numbers 71 through 87 were all related to historical ad valorem tax exemption and were all tagged by Council Member Sullivan and asked if they could consider all of them together and vote together to save time and if anyone wanted to vote “no” on all of them it could be done by one vote on all of the items being taken together.

Council Member Sullivan stated that his comment was that he sat at Council every week and respectfully listened to every other Council Member at the table and did not make judgments as to whether he thought it was a good use of time or if he thought it was fair or the right thing to do or anything else and he respected everyone at the table, that during the budget process last year he got extremely irritated when a Council Member rolled up all of his amendments into one deal and it gave him indigestion then and he was very public about it, that if the administration would like for him to do it was one thing, but if another Council Member would like for him to do it he would vote no against the motion.

Council Member Sullivan moved to consider Item Numbers 71 through 87 together, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0899 ADOPTED.

71. **NOTE: ITEMS 71 THROUGH 87 WERE TAGGED BY COUNCIL MEMBER SULLIVAN**  
**These were Items 17 through 33 on Agenda of December 2, 2009**  
ORDINANCE providing for an ad valorem tax exemption on a historical site located at **5 SHADOW LAWN STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events; providing for severability -

**DISTRICT C – CLUTTERBUCK – (This was Item No. 17 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1276 ADOPTED.

72. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **224 WEST 16TH STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT H - GONZALEZ – (This was Item No. 18 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1277 ADOPTED.
73. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4 COURTLANDT PLACE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT D - ADAMS – (This was Item No. 19 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1278 ADOPTED.
74. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1515 SOUTH BOULEVARD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK – (This was Item No. 20 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1279 ADOPTED.
75. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **912 WEST TEMPLE AVENUE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ – (This was Item No. 21 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1280 ADOPTED.
76. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2232 BRENTWOOD DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - ADAMS – (This was Item No. 22 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1281 ADOPTED.
77. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2175 TROON ROAD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM – (This was Item No. 23 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER**

**SULLIVAN**) - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1282 ADOPTED.

78. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1046 HARVARD STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** – **(This was Item No. 24 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1283 ADOPTED.
79. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3740 WILLOWICK ROAD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM** – **(This was Item No. 25 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1284 ADOPTED.
80. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3223 INWOOD DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM** – **(This was Item No. 26 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1285 ADOPTED.
81. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2947 INWOOD DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM** – **(This was Item No. 27 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1286 ADOPTED.
82. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1801 LUBBOCK STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** – **(This was Item No. 28 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1287 ADOPTED.
83. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **417 SAN JACINTO STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ** – **(This was Item No. 29 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1288 ADOPTED.
84. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **910 PRAIRIE STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax

exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ – (This was Item No. 30 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1289 ADOPTED.

85. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **307 TRAVIS STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ – (This was Item No. 31 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1290 ADOPTED.
86. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **813 CONGRESS STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ – (This was Item No. 32 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1291 ADOPTED.
87. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **305 TRAVIS STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ – (This was Item No. 33 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Gonzalez absent. ORDINANCE 2009-1292 ADOPTED.

Council Member Jones stated that she would release her tag on Item No. 53. Council Member Gonzalez absent.

Mayor White stated that there were still remaining tags on Item No. 53. Council Member Gonzalez absent.

88. ORDINANCE amending Ordinance Number 2007-534 relating to health benefits for employees of City Contractors and responsibility of bidders on certain City contracts - **(This was Item 37 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBERS BROWN, KHAN, GREEN and SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Gonzalez absent. ORDINANCE 2009-1293 ADOPTED.
89. ORDINANCE appropriating \$180,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Development Agreement between the City and **GREATER HOUSTON DEVELOPMENT, INC** to develop two (2) affordable single-family homes in the Trinity Gardens Area to be sold to qualified low-income and very low-income families - **DISTRICT B – JOHNSON – (This was Item 41 on Agenda of December 2, 2009, TAGGED BY JOHNSON, CLUTTERBUCK and NORIEGA)** – was presented. Council Member Gonzalez absent.

After discussion by Council Members a vote was called on Item No. 89. Council Members

Lawrence, Clutterbuck, Holm and Noriega voting no, balance voting aye. ORDINANCE 2009-1294 ADOPTED.

90. ORDINANCE declaring the City's eligibility for the Recovery Act Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, as managed by the Governor's Criminal Justice Division; approving and authorizing the application for and acceptance of such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept and manage such grant funds - \$109,248.00 - Grant Fund – **(This was Item 42 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. ORDINANCE 2009-1295 ADOPTED.
91. ORDINANCE amending Ordinance No. 2007-821 (Passed on July 11, 2007) to increase the maximum contract amount and approving and authorizing amended contract between the City of Houston and **MUNICIPAL CODE CORPORATION** for Codification Services for the City Code for the Legal Department - \$115,000.00 - General Fund – **(This was Item 46 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. ORDINANCE 2009-1296 ADOPTED.
92. ORDINANCE appropriating \$131,000.00 out of Convention & Entertainment Construction Fund as an additional appropriating to Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Theatre District Parking Structural Assessment and Repairs (Approved by Ordinance No. 2006-530) - **DISTRICT I - RODRIGUEZ** – **(This was Item 58 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. ORDINANCE 2009-1297 ADOPTED.
93. ORDINANCE appropriating \$592,728.00 out of TIRZ Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **CFG TX GP, LLC** for Reimbursement of costs for paving in Settegast - **DISTRICT B – JOHNSON** – **(This was Item 71 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Council Member Johnson moved to postpone Item No. 93 for one week, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0900 ADOPTED.

94. ORDINANCE approving and authorizing Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and **NEW SOUTH PARKING - TEXAS** for the Houston Airport System; amending Ordinance No. 2004-888 to increase the maximum contract amount - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – **(This was Item 106 on Agenda of December 2, 2009, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. ORDINANCE 2009-1298 ADOPTED.

#### **Items received during Council meeting.**

52. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of General Services Department; providing a maximum contract amount - (\$116,932.92 Previously appropriated) – was presented.

After discussion Council Members Clutterbuck and Sullivan stated that they would tag Item No. 52.

56. ORDINANCE approving and authorizing Professional Residential Post Weatherization Home Inspection Contract between the City of Houston and the **NELROD COMPANY** for the Residential Energy Efficiency Program (REEP) - 3 Years - \$2,500,000.00 - American Recovery & Reinvestment Act Funds – was presented, and tagged by Council Members Green and Khan.
63. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston, Texas and **SIEMENS INDUSTRY, INC** for Negotiated Work Orders for Investment Grade Audit of various City Waste Water Treatment Facilities; preparing for compensation to be paid by the City - \$7,500,000.00 - Combined Utility System General Purpose Fund – was presented, and tagged by Jones, Lovell, Lawrence, Johnson, Khan and Green.

After discussion by Council Members, Mayor White stated that Item No. 63 had been tagged.

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

Council Member Brown stated that he wanted to wish holiday greetings to all of the people in Houston; that as the sun set on his City Council term he would say that it was one of the best experiences of his life, that he expected to continue ex officio, that when they recognized the work of Kay Crooker yesterday he jotted down a few words about her and wanted to share with his colleagues and with the public, that first the quality and character of the built environment was hallowed, some places more than others and should be respected as such, that it took decades to undo their mistakes, like the public storage building on Washington Avenue, that secondly, they shaped the City in the way they build and for a better or worse it in turn shaped their daily lives and future, their surroundings had an enormous impact on human behavior, how they felt about their selves, how neighbors felt about their neighbors that was why it was important to get it right in the long term, the architectural and urban patterns of the City, including the public realm, largely their streets, were a measure, a reflection of their values and their stewardship of the natural and built environments, that in Houston they all needed to do a better job to be better stewards, they could have a more efficient, livable and attractive City, that cities always were changing by nature and they tended to be chaotic and that was where the genius in creativity of civic leadership came into play, to bring a fragile human order out of implicit chaos and in so doing nurture the soul of their great City and the spirit of people, they had some wonderful examples in which many of them had a hand, Discovery Green, City Hall and Hermann Square, the developing banks of Buffalo Bayou, Main Street downtown, the emerging Uptown area, Hermann Park and Rice University Campus, the evolving Houston Heights and the Old Sixth Ward, that these were great places in their City and he had great expectations for the transforming of other parts of their City, Boulevard Place in Uptown and Regency Square, Fannin South, EDO or East Downtown, Harrisburg, Montrose, Scott Street and the Washington Avenue Corridors, these had tremendous potential, they had extraordinary development opportunities at Hardy Place in the Near Northside, the Northline Center, Wheeler/Blodgett transit oriented development, Fannin South, Harrisburg and the East End and the resurgence of Palm Center, that neighborhoods were transforming, as they discussed today, like Sunnyside, Fifth Ward, Trinity Gardens and Settegast, they needed to better understand comprehensive neighborhood revitalization, how they had mixed income neighborhoods with great schools, parks, libraries, jobs and shopping and the role that rail transit played in linking their City together, that as ex officio he would work hard to make these places the best they possibly could be, that his sense of the great opportunity before them could be expressed in two words, connecting Houston, that they were still a young dynamic but fragmented City, that on a global scale they must connect Houston to the rest of the world and on a more intimate scale they needed to connect neighbor to neighbor, neighborhoods to neighborhoods, businesses to businesses, developers to land owners, artists to patrons, teachers to students and their families, the City to the County and people to their government, that they do this with inspired leadership, a shared vision for the future, clear headed plans, a lot of civic engagement and with

transit lines, the internet, conventions and gatherings of all sorts, with a commerce of ideas, technology and a large dose of innovation, that was how they connected Houston, that it was in cities, the great institute of creativity and aspirations that progress takes place, that Houston nurtured by their amazing diversity was a great City of commerce and trade, science and technology, learning and social progress, the arts and a wonderful diverse people, that let them all work together to make it more so, plan on it. Council Members Sullivan, Rodriguez, Lovell and Green absent.

Council Member Clutterbuck stated that they were in the second season of Advent and Hanukah would start on December 11, 2009 and would run until December 18, 2009; that there were several projects that they all could participate in, one was the Share Your Strength Program with the Houston Food Bank and the annual Comida Drive that was being put on through the Houston Citizens Police Academy Alumni Association and the Houston Police Department and Fiesta Stores, that they completed their most recent Comida Drive and raised a staggering amount of money, \$48,867.47 in addition to 286 boxes of food that were donated to help needy families, that once the money had been accounted for the leaders of the drive go back to Fiesta management and purchase the food items that were then packed in boxes approximately a week following the drive at the Pepsi Cola Bottling Company warehouse, another outstanding community and corporate supporter, that the Comida Drive had taken place for many years, that she wanted to offer congratulations and sincere thanks to all of the volunteers who participated in this. Council Members Johnson, Holm, Rodriguez, Lovell and Green absent.

Council Member Noriega stated that this years Senior Citizens Christmas Gala would be held on Tuesday, December 15, 2009 at the George R. Brown Convention Center from 10:00 a.m. to 3:00 p.m., that it was supported by the City of Houston, the George R. Brown Convention Center Aramark Corporation and Precinct 6 Constable Athletic Recreation and Educational Events, Inc. or CARE, which was a non profit out of Constable Victor Trevino's group; that they wanted to wish the best of the holiday season to everyone and wanted to remind citizens in the City of Houston that there were folks out there that were not attached to a base or any kind of military support who had a family member deployed and a gift of a meal or a little babysitting time or just some company was always welcome, that it was a tough time to have a family member gone, that the only time her husband had been away from his family was at Christmas time when he was in Afghanistan so if they knew somebody make an offer or do something, they were not going to ask, military families were very self sufficient and tried to keep things buttoned down, but they needed a hand; that she wanted to wish everyone a great holiday season. Council Members Johnson, Holm, Rodriguez, Lovell and Green absent.

Council Member Adams stated that she wanted to thank ABC Dental and their bike give away program, that on Sunday they were able to give away 1,004 bicycles to needy kids throughout the Hiram Clarke Community, that she wanted to thank her staff for blazing the weather on Sunday and come out and help and volunteer, Shovanda Johnson, Karen Haller and Matala Idee, and Mr. Turner for allowing Townwood Park to be open on Sunday and his wonderful staff for coming out; that the Museum District Business Alliance Luncheon and Awards was yesterday and they deeded back the Montrose Storefront to the City of Houston, that they all received copies of the deed, that it was a wonderful affair and well attended, that she wanted to congratulate all who were awarded awards yesterday, the Neartown President and Commissioner and architect, Mr. David Robinson, the Chocolate Bar, Reginald Adams of MOCHA and the MDBA President, Mr. Gene Greenly; that she knew that it had been in the news recently about Kings Row and they had been working really close with Kings Row and talking about how organizations had been coming together to work in apartment complexes to bridge the gap of education and to defeat crime, that she wanted to thank Push to Win, an organization who was working really hard in apartments, that she wanted to see that this organization was able to receive funding in the future, along with the Ministers Against Crime,

because they were working to move forward and help educate those families, that she found out yesterday that there were over 338 kids in Kings Row and there were single family mothers, about 150, that they were really excited, that there was a computer lab that had been placed in the Kings Row Apartments that had been donated by the Ministers Against Crime along with Push to Win and they would be dedicating the lab on Friday at the Kings Row Apartments at 4141 Barberrry, Houston, Texas 77051, that if anybody would want to help the Kings Row Apartments by volunteering hours to give GED services to the young mothers who were eager for jobs, education and placement, that it was really needed, that she wanted to thank HPD for stepping up the surveillance in the area; that yesterday a constituent brought an issue to City Council to talk about the trees on Cullen and she wanted to thank Mayor White for sharing a vision with them to make sure that these trees were provided, that she wanted to thank Joe Turner for working with them in making sure that the trees stayed pruned and planted, that they had been getting a lot of positive feedback about the trees, that the constituent stated that there had been several accidents on Cullen due to the trees and that was incorrect information, there were no accidents related to the trees on Cullen, that in the past six months there were three accidents in the Fiesta parking lot, one accident in the Walgreens parking lot and there was a separate accident with the Houston Fire Department truck, Fire Station No. 35, because on the morning of the accident she went to the fire station and it was the fault of the constituent trying to cut the fire truck off, that they wanted to make sure that when information was being provided to the constituents that they were providing the correct information, that Fire Station No. 35 stated that they had no concerns about the trees or things like that. Council Members Johnson, Clutterbuck, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he wanted to thank Burris Elementary in Independence Heights, they had a successful townhall meeting last week and he wanted to thank everyone who came out and his staff for helping coordinate it, that the Lights in the Heights event was this Saturday at 6:00 p.m.; that he and his staff was in communication with HFD about the recent Heights fires and wanted to remind folks to stay vigilant and contact Crime Stoppers at 713-222-TIPS if anyone had any information on these terrible acts of crime; that the District H office was co-hosting a holiday toy drive throughout the district in collaboration with the Greater Northside Management District; that he wanted to remind everyone to get out and vote, that Saturday was election day; that yesterday when one of his staff was doing a constituent site visit he heard a loud explosion and rushed to the scene, an individual had hit a light post and flipped over, that his staff member said it was a very scary scene but he said that a lot of people came to the immediate rescue of the individual so he wanted to recognize one of those people, Mr. Juan Aragia, a constituent who lived on Harrisburg, that he wanted to thank Houston Fire Station No. 18, who immediately responded to the crash site and secured the area; that he wanted to thank his colleagues for supporting Item No. 6 and Super Neighborhood 22 residents for their hard work on that issue; that he wanted to ask everyone to keep his good friend, Andrew Martinez, who lost his life this past week at the very young age of 23, that he worked for the Harris County Sheriff's Office and had developed some cold like symptoms and later learned that he had cancer and was at a terminal stage, that he wanted to send his condolences to his family; that for all the Catholics he wanted to remind them about the Virgen de Guadalupe celebrations on Saturday, December 12, 2009, that would be going on throughout the Houston area, different churches and community centers. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that when they talked about this time they should consider giving to those less fortunate, that some of the charities that she thought especially needed them at this time was the Salvation Army, the Bread of Life and Crime Stoppers, that Katherine Cabbinis, who used to be a District Attorney, was over Crime Stoppers and was doing a great job; that there would be a townhall meeting tonight, on the finger print lab, at the SHAPE

Community Center at 3815 Live Oak at 7:00 p.m.; that there would be a Housing Committee meeting tomorrow, Thursday, December 10, 2009 at 2:00 p.m. in the City Hall Chamber at 901 Bagby on the second floor. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that yesterday was the release of the Houston Fire Department Report on Human Resource practices and he wanted to compliment Mayor White on the choice of the law firms and wanted to acknowledge Arturo Michel's work on it as well, that some Council Members criticized the choice of the law firms but he thought they did what they were charged to do and did a thorough assessment of the policies, protocols and procedures and did an outstanding job, that he read the executive summary and it said that there was room for improvement in some areas but by and large there were no systemic problems, that he thought the Fire Department had been unfairly attacked in a number of ways with the allegations that had come out several weeks back, but this report they needed to take it for what it was worth and not criticize it if they did not like it, that it was a report that was fair and unbiased and he wanted to acknowledge the hard work they did and let the public, firefighters, command staff and the management of the Fire Department know that he was proud of them and proud of what they did, that there was room for improvement in some areas and they would implement those improvements as soon as they were able to; that because of bad weather they had to cancel the grand opening of the Bracwell Library last Saturday, that it was now open and serving the public, that he wanted to thank Issa Dadoush and Dr. Rhea Lawson for delivering such a state of the art facility, that it was a first class facility; that he wanted to invite everyone to the 14th Annual Justice For All Christmas Tree Lighting Ceremony on Saturday on the public level of the City Hall Annex. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that they would have a TIA Committee meeting on December 14, 2009 in the Council Chamber at 3:00 p.m., that there would be a presentation discussion on changing Chapter 46 of the Houston Building Code, the Sign Code, to allow businesses located adjacent to current or future light rail construction the use of temporary on premise signs, that it was a positive thing and would allow those businesses that were along the light rail where construction was taking place to make sure that the people going by know that their business was there and could find them easily because they wanted those businesses to continue to be successful; that she thought the report on the Fire Department was very encouraging, that the process was not perfect by which people could report, it needed to be improved, but all in all their Fire Department had good people and they wanted improvement also, that she knew they would move forward with some of the suggestions that were there and would be implemented, that she stood with the firefighters; that she wanted to say to the Houston Police Department on the Finger Print Lab, it was a difficult decision they were having to make, it was a lot of money and she wanted to commend them because they were the ones who found out there was a problem while they were trying to get it accredited and they came to the Council with the problem and were wanting them to help them fix the lab and it was a difficult decision, that it was very scientific work and really needed people with that kind of training in place to do so; that on Friday she would participate in the dedication of the newly renovated and modernized Cragg Park Campus on South Wayside where the Houston Parks and Recreation Department was, that it was a very historical building in the City and had great significance for the world, it was where the NASA Program started, that it was build in 1956 and was now a historical building; that because of the weather the Mayor's holiday celebration was cancelled but understood that it would be on Thursday, December 10, 2009, in front of City Hall, that they would have the lighting of the official holiday tree and was one of the things that she and her family looked forward to be participating in; that Saturday was election day and the leadership for the City for the next few years was very important because they were going to have difficult decisions to make, so go and participate. Council Members Lawrence, Johnson,

Clutterbuck, Adams, Sullivan, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent.  
(NO QUORUM PRESENT)

Council Member Khan stated that each year the Greater Houston Convention and Visitors Bureau and Houston International Protocol Alliance worked together with the Consulate Corp of Houston and Multi Cultural Organizations to present Holidays Around the World, that a miniature tree display and silent auction honoring various international holiday traditions, that there were approximately 20 trees displayed in City Hall and would be available for viewing until Thursday, December 10, 2009 at 5:30 p.m. when the silent auction closes, that the goal of the annual silent auction was to raise more than 1,000 for Child Advocates of Houston, a local non profit which provided legal representation and mentoring for abused and neglected children of the Houston area, and he presented a tree which was decorated by the Saudi Consulate from a previous year to give them an idea of the creativity of the consulate and the Sister City Organization; that he wanted to wish everyone happy holidays, Merry Christmas, Happy Hanukah or whatever they celebrated this holiday season. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:22 p.m. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary