

City Council Chamber, City Hall, Tuesday, January 5, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 5, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present.

At 2:03 p.m. Mayor Parker called the meeting to order and called on Council Member Johnson who invited Pastor James Nash with St. Paul Missionary Baptist Church to lead all in the prayer and Council Member Johnson led in the pledge. Council Members Rodriguez and Noriega absent.

At 2:05 p.m. Mayor Parker requested the City Secretary call the roll. Council Member Adams absent due to being ill. Council Members Rodriguez and Noriega absent.

Council Members Lovell and Clutterbuck moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Rodriguez and Noriega absent. MOTION ADOPTED.

At 2:06 p.m. Mayor Parker requested the City Secretary to begin calling public speakers. Council Members Rodriguez and Noriega absent.

Mr. Joseph Tijerina, 49 Annette Lane, Houston, Texas 77076 (832-788-4085) had reserved time to speak but was not present when his name was called. Council Member Noriega absent.

Mr. Patrick McIlvain, 1618 Weber Street, rear unit, Houston, Texas 77007 (832-894-9584) appeared and stated that Council Member Jones words of acceptance when inducted into the University Sports Hall of Fame were very moving and inspiring; that he thanked Mayor Parker for allowing him to be a part of her foundation which led the bridge to the community she had built. Council Member Noriega absent.

Council Member Jones moved the rules be suspended to extend time to Mr. McIlvain, seconded by Council Member Costello. Council Member Adams absent due to being ill. Council Member Noriega absent. A vote was not called therefore no motion number was recorded. Council Members Johnson and Noriega absent.

Mr. McIlvain stated that he wanted to thank the Mayor and new Council Members for coming to the city during the difficult times ahead; and wished them wisdom and strength to do so. Council Members Johnson and Noriega absent.

Council Member Gonzalez thanked Mr. McIlvain for all his hard work in district H, Super Neighborhood 22 and the entire Washington Corridor. Council Member Johnson and Noriega absent.

Mr. Bob Price, 1585 West Sam Houston Parkway North, Houston, Texas 77043 (832-721-0797) appeared and stated that he thanked all for running for office and serving the people of the City of Houston; that he spoke before on immigration, as it affected the city and the 287G Program, the previous Administration made promises to bring it forward and then rescinded leaving us with virtually no program and it was his understanding that Mayor Parker made it a pledge in her campaign to bring that program to the city jail and would like to hear

those plans; that they believed the program was essential for safety in the community. Council Members Johnson, Lovell and Noriega absent.

Mayor Parker stated that they would move with all due speed, the first thing she needed to do would be put a new Police Chief in place, but he was heard. Council Members Johnson, Lovell and Noriega absent.

Ms. Deborah Elaine Allen, P. O. Box 26325, Houston, Texas 77207 (832-292-5203) appeared and stated that she knew Mayor Parker would be Mayor; Y2K, President George Bush, Jr., Y2K was a prank call; buying extra food was a prank call; and continued expressing her personal opinions until her time expired. Council Member Lovell 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 Member Lovell absent.

Mr. Bob Schoellkopf, 7326 Shady Grove, Houston, Texas 77040-4810 (832-754-6187) appeared, presented information for viewing and stated that he was former candidate for Council District A; congratulated all; wished a happy new year to all; and he would be working with all for a better community; that he would like to see if safety devices could be placed at intersections, it could save the life of police, fire, etc., and give all a safer city. Council Member Lovell absent.

Council Member Jones stated that Mr. Schoellkopf could continue; and Mr. Schoellkopf stated that the majority of firefighters appreciated Chief Boriskie, he was a good man and he hoped Mayor Parker would consider keeping a good man on. Council Member Lovell absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that [www.mayorgalvan.com](http://www.mayorgalvan.com); [www.galvan.org](http://www.galvan.org); he was the ex-spouse of Mr. Richard William Partsch and present because he loved Houston; that he was alternate precinct judge for Precinct 46 and he was waiting for his money for working the election as he needed it to pay \$175.00 to the court of appeals for suing the city and county for tearing down his house at 1611 Holman, the case number being 01-09-00884-CB. Council Member Lovell absent.

Mr. Isiaka Owolabi, 7447 Neal Ridge, Missouri City, Texas 77489 (832-880-0512) had reserved time to speak but was not present when his name was called. Council Member Lovell absent.

Ms. Karen Kay Kristopher, 1415 S. Voss Road #110-393, Houston, Texas 77057 (713-266-2715) appeared, presented information and stated that she was with the Houston Area Association for Decency which stood for morality and decency and stronger family values; that basically she wanted to speak on sexually transmitted diseases and what was going on; that if topless bars were shut down it would save HPD as now a third of their cost came from going to topless bars calls; that the community standard against obscenity was a 1973 case which basically said each community could define what obscenity meant in their community; that debauchery was out of hand and she was asking for all to stand for Jesus Christ, morality and decency and take the city back to stronger city values; that one-third of the men had an addiction to pornography. Council Member Lovell absent.

Council Member Johnson stated that he never heard of the Houston Area Association for Decency but appreciated the spirit by which the organization was tackling a tremendous task; that he tried to create an ordinance to tell store owners with magazines to place them behind the counter; that he believed society needed to do a better job as sex permeated on television, radio waves and children would be what they saw; and upon questions, Ms. Kristopher stated

that Box Radio was having a rap session and they invited anyone who wanted to come to come free, but they had to go through a sexually transmitted disease test and 76% of those teens had sexually transmitted diseases and she got the percentage from Box Radio; that abstinence needed to be taught, she met the HISD Superintendent and he did not think it would help, but condemnns had a failure rate and it was abstinence that was needed. Council Member Lovell absent.

Mr. Lonnie Allsbrooks, 2125 Yale #436, Houston, Texas 77008 (832-866-0479) appeared and stated that he owned Beer Island, Inc., in the Heights and he ran for Council because it was the only platform he could get where people would listen; that Code Enforcement in the City of Houston was a problem, he had a bar and had been open five years and had many issues starting with banners placed outside, he was told he could not have a banner up a few hours during steak night when down the road within a mile there were 50 banners and two were from the Woodland Heights Association and Heights Association; that he was harassed by TABC and told he could not have beer umbrellas outside, but two other establishments on the same street within a quarter of a block had the same umbrellas and as of today theirs were still up; that for the last year he tried to open a café and it was taking every dollar to fight this and he was asking for Council's support. Council Member Johnson absent.

Council Member Clutterbuck stated that since Mr. Allsbrooks requested the Mayor extend his time and with a number of new Council Members present she would like to explain for the public and her new colleagues the procedure; the Mayor could not extend time, she recognized other members of the body who had a time limit to speak and their proper rule would be to ask questions; that they did not have opportunity or power to extend his time, it was a misnomer and misunderstanding on the part of Council Members; that the proper motion would be to suspend the rules to extend the time and it required a second and the Mayor had her time yielded to whoever had the floor. Council Member Johnson absent.

Mayor Parker stated to clarify, his complaint was about differential enforcement; and Mr. Newport with Administration and Regulatory Affairs was present and could speak with him at this time. Council Members Johnson and Rodriguez absent.

Council Member Gonzalez stated that they had spoken before but he was unaware of some of his issues being brought up; that he did look forward to visiting with him and his chief of Staff would visit with him at this time to set a time where they could try and help him resolve the problems. Council Members Johnson and Rodriguez absent.

Upon questions by Council Member Bradford, Mr. Allsbrooks stated that he had been cited by the City of Houston and TABC several different times and there was not even enough time to tell of it here, but the banners he had problems five times within his first and second year; that for the four years he was opened it continued; that he continuously fought it and he was not fined, it would stop for a while and then happen again; that there was only one area in the city dry and he could not understand why the city did not know where it was. Council Members Johnson and Rodriguez absent.

Mayor Parker stated that Mr. Allsbrooks would be placed at the end of the Agenda if he had more to add unless someone wished to make a motion to continue the discussion. Council Members Johnson and Rodriguez absent.

Council Member Bradford moved the rules be suspended to extend time for Mr. Allsbrooks, seconded by Council Member Sullivan. Council Member Clutterbuck voting no. Balance voting aye. Council Member Adams absent due to being ill. Council Member Rodriguez absent. MOTION 2010-0005 ADOPTED.

Council Member Sullivan stated that he thanked Council Member Bradford for extending the courtesy, but Council Member Clutterbuck voted no and he had a question for her, but he would place it in writing to the Administration. Council Members Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Allsbrooks stated that he received his license and the state was not the problem with the new location, it was the City of Houston; that the City Secretary sent two City of Houston lawyers to the TABC to stop him from getting his license the following day after he went through the whole process; and Council Member Jones stated that she understood him to say the TABC was being differential to him, she would take that back; and Mr. Allsbrooks stated that was in the beginning with the umbrellas where they were not consistent with others. Council Members Clutterbuck, Sullivan and Noriega absent.

Mayor Parker thanked Mr. Allsbrooks for coming and stated that Mr. Newport with ARA was present to speak with him; and a reminder to Council Members it was five minutes collectively unless a motion was made to keep the discussion going and if not and he wished more time he would be automatically added to the end of the Agenda. Council Members Clutterbuck, Sullivan and Noriega absent.

Mr. Ceasar Espinosa, 6601 Hillcroft #125, Houston, Texas 77081 (713-459-8923) appeared and stated that he was representing Houston's America for All, one of the largest nonprofit organizations working with the immigrant community; that they also represented a larger coalition of different organizations including churches and other nonprofits working with the immigrant community; that Houston was a very diverse city and often the most vulnerable communities were those left unheard, they were present bringing a voice to Council and the Mayor and one issue was the 287G program which had a lot of misconception, it was proved at the federal level the program was flawed and they wanted dialogue with them and would be happy to provide information. Council Members Clutterbuck and Sullivan absent.

Reverend James Nash, 8309 Brandon, Houston, Texas 77051 (713-725-1664) appeared and stated that he hoped Mayor Parker received the message he was ready to go to work for her; that he was present with the concern of the Sunnyside Area where he lived; that the Administration had been helpful with him building houses in the area, when you build and clean the community it cut back on crime; that he had a mission to build a building which would help create jobs for young men, jobs were a problem for many in the African community because many young men and women had records, non violent crimes which caused them to be unemployable; that if they could identify corporations to hire them employment cut back on crime. Council Members Clutterbuck and Sullivan absent.

Mayor Parker stated that his plans were admirable. Council Members Clutterbuck and Sullivan absent.

Council Member Johnson thanked Reverend Nash for today's prayer and stated that he appreciated the job he had done as a minister and community church; that he watched them work beyond their four walls; that he recognized if they did not change the makeup and fabric of the community you did not change the people and he recognized that he tried to change the fabric of the neighborhood; that good development was always a defense against crime; that he thanked him for work they did on the "hot sheet" motels; and they needed to find ways to put money into prevention programs and he would like to see his plans; and Reverend Nash stated that he thought churches should be held accountable for the communities in which they had their churches. Council Members Clutterbuck, Sullivan and Rodriguez absent.

Upon questions by Council Member Bradford, Reverend Nash stated that he considered his programs and more officers went hand in hand. Council Members Sullivan and Rodriguez absent.

Mr. Paul Clark, 5233 Arboles, Houston, Texas 77035 (626-485-0416) appeared and stated that he was present with an issue with HPD, Harris County Sheriffs, Ft. Bend Sheriffs and the District Attorney's Office, they were prejudice; that there was a bronco investigation for gypsies only, if you were a gypsy you did not fall under the protection of public safety; the District Attorney put false kidnap charges on him and then left victims with him, then left him six months in jail and ruined his business and family; that his family was scared to go to school and his wife and daughters were getting beat up on the street and HPD was telling them to go home; that he could not believe there was a taskforce just for his race; that he was being harassed and threatened and there was no where for him to hide and no way to tell his grandchildren they were in America and safe and today was present for help. Council Members Sullivan and Rodriguez absent.

Mayor Parker stated that a representative with Citizens Assistance was present who would be glad to visit with him or Lieutenant Gallier with HPD was present if he would like to address specific issues with him. Council Members Sullivan and Rodriguez absent.

Council Member Jones stated to the Administration she was curious to know if there was a gypsy taskforce; and upon questions, Mr. Clark stated that he wrote to Internal Affairs and to the Harris County Sheriff's Department Internal Affairs and did all humanly possible; that at the Harris County Sheriffs Department Officer Garcia called him and said if he even attempted to look for his daughter or any grandchildren he would extradite him from Los Angeles to Houston because he filed a civil lawsuit in Los Angeles on March 5th, then on March 24th they put the kidnapped charges of his grandchildren on him and then left the victim with him. Council Members Johnson, Sullivan and Rodriguez absent.

Mr. Sammie Jones, no address given (no phone) appeared and stated that he tried not to appear before Council and tried working with a Council Member to solve his issues but his issue was when going to the public library the city had official websites with email capabilities and when he got on the computer to email a Council Member...; time expired. Council Members Johnson, Sullivan and Rodriguez absent.

Mayor Parker stated that if Mr. Jones had a particular issue on what was available at the city library or accessing email services for the city someone was present with Citizens Assistance and could speak with him at this time. Council Members Johnson, Sullivan and Rodriguez absent.

Ms. Sandra Massie-Hines, 4421 Alvin, Houston, Texas 77051 (832-374-5585) appeared and stated that she congratulated some and welcomed back others and asked that the Council help her preserve the dignity and integrity of the people; that Houston citizens hoped this year would not be business as usual; that public outcry to elected officials in the past fell on deaf ears and racism should not be permitted in this city nor should racial profiling; that in zip code 33 there had been an overwhelming number of sex offenders residing and some tried to lure children in their cars; that there was also a concern with trees posing public safety problems at Cullen and Winda; there should be a bus route from Scott to 288 off Reed Road to assist an increasing elderly population. Council Members Sullivan and Rodriguez absent.

Mayor Parker stated that HPD had already forwarded an alert slip for speeding in the area and Mr. Drabek with Public Works was present to speak with her on the possibility of a signal. Council Members Clutterbuck, Sullivan and Rodriguez absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Rodriguez absent.

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

Mr. Joe Ballard, 6302 Rockynook, Humble, Texas 77396 (281-850-0388) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Rodriguez absent.

At 3:05 p.m. City Council recessed until 9:00 a.m., Wednesday, January 6, 2010. Council Member Adams absent due to being ill. Council Members Sullivan and Rodriguez absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, January 6, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director present. Council Member Wanda Adams absent due to being ill.

At 9:02 a.m. Mayor Parker called the meeting to order and stated that they would let the City Controller join them in progress and that they were ready for the consent agenda. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

At 8:26 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:02 a.m. Mayor Parker called the meeting to order and stated that they would let the City Controller join them in progress and that they were ready for the consent agenda. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 20**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2010 Operations and Maintenance Budget for the Lake Houston Facility Project operated by the **COASTAL WATER AUTHORITY** - \$2,561,174.00 - Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2010-0006 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2010 Operations and Maintenance Budget for the Trinity River Water Conveyance Project operated by the **COASTAL WATER AUTHORITY** - \$18,589,661.00 - Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2010-0007 ADOPTED.

#### **ACCEPT WORK** - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,230,598.82 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for FY08 Waterline Relocation and Replacement - 8.3% under the original contract amount – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2010-0008 ADOPTED.

**PROPERTY** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of payment for appraisal services for the **YALE STREET IMPROVEMENTS PROJECT (West Tidwell Road to West Parker Road)** - \$61,500.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2010-0009 ADOPTED.

**ORDINANCES** - NUMBERS 7 through 20

7. ORDINANCE consenting to the creation of **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 16** and the inclusion of certain land within the district (Almeda Mall) - **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0001 ADOPTED.
8. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for City Firefighting and Fire Protection Services to unincorporated areas of Harris County - \$20,000.00 – Revenue - had been pulled from the Agenda by the Administration, and was not considered. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent.
9. ORDINANCE approving and authorizing Lease Agreement between **HOUSTON COMMUNITY COLLEGE SYSTEM, as Landlord**, and the City of Houston, Texas, as tenant, for office space at 3100 Main Street, Houston, Texas, for sixty months, for use by the Records Management System Project Team of the Information Technology Department - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0002 ADOPTED.
10. ORDINANCE amending Ordinance 2007-1144 to increase the maximum contract amount for Governmental Purpose Projects and decrease the maximum contract amount of privately funded or Non-Governmental Purpose Projects; approving an amendment to Interlocal Agreement between the City of Houston and **GEO-TECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting and Engineering Services for the Sustainable Development Program – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0003 ADOPTED.
11. ORDINANCE appropriating \$28,190.00 out of Parks Special Fund (4012); approving Purchase and Sale Agreement between **BENNIE R. KENNER JACKSON (Fka BENNIE RUTH KENNER), Individually and as Independent Executrix of the Estate of Nettie Rodgers Bonds, and Verna M. Hubbard, Sellers**, and the City of Houston, Buyer, for purchase of approximately 9,099 square feet of land (Parcel No. BY10-004) located at

O.S. Sam Houston Parkway, for the Parks and Recreation Department, for the Expansion of Glenshire Park; and approving and authorizing payment for the land acquisition costs, survey, environmental report costs, and all closing costs associated with this transaction - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0004 ADOPTED.

13. ORDINANCE approving and authorizing contract between the City of Houston and **WEST, A Thompson Reuters Business**, for On Line Legal Research Services and Library Maintenance of Print Product Subscriptions for the Legal Departments Law Library; providing a maximum contract amount - 3 Years - \$1,017,096.00 - General and Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0005 ADOPTED.
14. ORDINANCE amending Ordinance No. 2006-0975 which approved contract between the City of Houston and **OIL PATCH - BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments to increase the maximum contract amount - \$948,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0006 ADOPTED.
15. ORDINANCE appropriating \$4,137,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing agreement between the City of Houston and **HARRIS COUNTY** for Construction of Scott Street from Fuqua to Orem Drive - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0007 ADOPTED.
17. ORDINANCE appropriating \$7,505,450.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CSA CONSTRUCTION, INC** for FWSD #23 Wastewater Treatment Plant Improvements (Package 2); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent.
18. ORDINANCE appropriating \$2,990,596.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0008 ADOPTED.
19. ORDINANCE appropriating \$1,697,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Woodlawn Area; setting a deadline for the bidder's execution of the



contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0009 ADOPTED.

20. ORDINANCE No. 2009-1393, passed first reading December 29, 2009  
ORDINANCE granting authority to **SPRINT COMMUNICATIONS COMPANY L.P., A Delaware Limited Partnership**, the right, privilege and franchise to use the public way of the City of Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, modifying, removing, using, and operating therein, network facilities for providing authorized services; providing for related terms and conditions; containing a repealer; and making certain findings related to the foregoing subject – **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2009-1393 PASSED SECOND READING IN FULL.

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

**PURCHASING AND TABULATION OF BIDS**

5. **AMEND MOTION #2009-38, 1/28/09, TO PURCHASE** additional Patrol Vehicles for Houston Police Department - \$1,375,650.00 - Digital Automated Red Light Enforcement Program Fund – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

Council Member Clutterbuck stated that this was an item to purchase additional patrol vehicles for the Houston Police Department and also involved basically a modification of an existing contract that was passed during the previous administration, that this was good news they were able to reduce the price of the contract and get police vehicles that met certain emission standards at a lower price for the tax payer, that she would like to renew her request, and that of many of her colleagues, to the Police Department to have a report back on the take home vehicles and that take home vehicle policy of the Houston Police Department so that they could understand and the public could know more fully that efficiencies were made in that aspect of their Police Department. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

Mayor Parker stated that she understood a report was distributed during the transmission and right before the holidays and they would make sure that they contact each Council office and make sure they received that. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

Council Member Noriega stated that she had a copy of the policy with her and thought that it was released with the item originally during the week, that if anyone needed to see it she had it with her. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2010-0010 ADOPTED.

6. ORDINANCE appropriating \$826,583.66 out of Equipment Acquisition Consolidated Fund for Purchase of Automobiles, Vans and Light-Duty Trucks for Various Departments - was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0010 ADOPTED.
  
- 6a. **PHILPOTT MOTORS, LTD. d/b/a PHILPOTT FORD/TOYOTA0** - \$541,980.66, **DALLAS DODGE/JEEP/CHRYSLER** - \$423,852.00 and **BABY JACK II AUTOMOTIVE, LTD d/b/a CALDWELL COUNTRY CHEVROLET** - \$123,115.00 for Purchase of Automobiles, Vans, Utility Vehicles and Light-Duty Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - \$262,364.00 Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2010-0011 ADOPTED.

### **ORDINANCES**

12. ORDINANCE appropriating \$371,885.00 out of Parks Special Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Bethel Missionary Baptist Church-Temporary Exterior Building Stabilization; 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 construction management and contingencies relating to construction of facilities financed by the Parks Special Fund **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0011 ADOPTED.
  
16. ORDINANCE appropriating \$656,677.00 out of Street & Bridge Consolidated Construction Fund and \$656,677.00 out of Contribution for Capital Projects Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **VAN DEWIELE & VOGLER, INC** for Design of Fondren Road from Hillcroft to McHard Road; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Members Johnson, Sullivan, Rodriguez and Jones absent. ORDINANCE 2010-0012 ADOPTED.

Mayor Parker stated that they would move to the Controller's report and recognized the City Controller and the Director of Finance. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

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

Mr. Ronald C. Green, City Controller and Ms. Michele Mitchell, Director of Finance, reviewed the Monthly Operations and Financial Report, a copy of which is in the City Secretary's office for review. Council Member Jones absent.

Council Member Sullivan stated that with respect to the Rainy Day Fund, the Fund Balance, could they give him a rough idea of, for lack of a better term, what industry standards

were for the minimums and then what their ordinance required as a minimum and any other comments, and Mr. Green stated that he would let Ms. Mitchell answer that, and Ms. Mitchell stated that as far as the industry standards she did not know that there was anything in particular that was controlled by industry standards, that their ordinance was that the \$20 million that they borrowed for Ike was to be replaced within 2 years, that it would be completed and was hoping to move \$20 million into the Rainy Day Fund by March 2010, which she anticipated being able to do without any difficulty, and Council Member Sullivan stated that Mayor White was often quoted in the newspaper as saying that he was proud that the fund balance was double what it was when he left as when he came in and asked what was double, and Ms. Mitchell stated that when he came in the Fund Balance was almost \$81 million and when he left the projections of the 5 years was at \$175 million, so that would be double what the Fund Balance was as to when he came in, and Mayor Parker stated that they were required by Charter to maintain 5% and by practice, and at the urging of the Controllers office and the administration, they maintained 7.5% but currently their Fund Balance was 10% of expenditures so they were twice the minimum so that was also one of the things that Mayor White used to tout; and Council Member Sullivan stated that with respect to Lyondell he had said several months ago that while there may not be another Lyondell out there with the economic conditions being what they were that they might have collectively a lot of individual businesses making up another bankruptcy, if they would, the size of Lyondell, that they said they were going to look into that and he had not heard anything back, and asked if she could tell him what they had done or how he could get that information so they would not wake up one day and say they had another \$10 million ad valorem tax hicky that they did not plan for, and Ms. Mitchell stated that they did not have any information on any companies coming up for bankruptcy, that she had spoken with Susan Taylor, Legal Department, on this as well and did not know that there was any sure way they could determine which companies were going to go bankrupt, that she did watch the news and looked at the internet constantly on the companies within the City or also managed outside of the City but had subsidiaries or home offices here and at this point she was not seeing any major companies that had it, that she thought they were going to see some smaller companies, possibly, come up with that and they were a little more difficult to detect than were larger companies such as Lyondell, that they did keep monitoring it and she did not know if Mr. Michel would have anything to state on that, but did not know of any other way that they could follow that, and Council Member Sullivan stated that it did not necessarily have to be a bankruptcy either, an inability to pay or someone who just traditionally paid slow, they had some real estate developers in the Kingwood area who paid when they sold their land and not before, and Ms. Mitchell stated that they were very lucky in the fact that Lyondell did pay their taxes and did not pay their industrial assessment last year, which was anticipated that they would have 5 years on the property tax, so they benefitted from that, that they were able to step up and pay, and she did meet with them personally and met with them again about four months ago. Council Member Jones absent.

Council Member Clutterbuck stated that they had the first meeting of the year of the Budget and Fiscal Affairs Committee, that her staff takes great attention in notifying everybody of the agenda and they should have it well in advance, that she would encourage anybody to attend, that they would be holding a financial literacy course, which was in the works right now with Ms. Mitchell, that ideally it would probably be a basic rundown of how to read the budget, what exactly the City puts into the budget, the policies of municipal finance and then they would also discuss issues of their investment, as well as their debt and other aspects of the budget, that anybody was welcome to attend and it would also involve staff; that if anybody had questions she and Ms. Mitchell, Mr. Green, as well as any of the department directors or the people who managed aspect of their investments or their debt, they could call on them and they would be happy to direct them to get their questions answered. Council Member Jones absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Lovell. All voting aye. Nays none. Council Member

Adams absent due to being ill. Council Member Jones absent. MOTION 2010-0012 ADOPTED.

**MATTERS HELD** – NUMBER 21

21. ORDINANCE appropriating \$924,565.96 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **HNTB CORPORATION** for Design Services for Fulton Street from Tidwell Road to Parker Road (Approved by Ordinance No. 2007-498); providing funding for contingencies relating to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT H - GONZALEZ** – **(This was Item 62 on Agenda of December 29, 2009, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented. All voting aye. Nays none. Council Member Adams absent due to being ill. Council Member Jones absent. ORDINANCE 2010-0013 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Gonzalez stated that he wanted to remind their citizens that they had some freezing conditions coming later in the week and wanted to remind them to please exercise caution, especially with space heaters, that now was a good time to make sure that their smoke detectors were operating properly and also to protect their plants, pets and pipes; that he wanted to congratulate HPD Cadet Class 207, that they had a new group of officers that would be joining the ranks and obviously they were very much needed. Council Member Jones absent.

Council Member Hoang stated that he wanted to thank all of them, they had been great for the last couple of days helping him settle in to City Hall, that he especially wanted to thank Council Members Lovell and Clutterbuck, that he was looking forward to learn and as stated earlier he wanted to be a team player so that they could move the City forward, that he wanted to thank his staff members, Mr. Tony Topping was his Chief of Staff, Mr. Danny Santamaria, Ms. Dawn Hurd, Ms. June Pham and Ms. Julie Zoo, were all helping him so that they could move forward. Council Member Rodriguez absent.

Council Member Stardig stated that she was looking forward to serving with all of them, that she had worked with many of them in the past over the years in the community and was very honored to serve with Mayor Parker and all of her colleagues, that she was very proud of District A and would continue to be a cheerleader for District A and tout the many assets and good people and neighbors of District A, that she looked forward to working with all of them and hoped that they would come to her if there was anything that she could do for them, that she greatly appreciated Susan Christian's work on the inauguration. Council Member Rodriguez absent.

Council Member Pennington stated that he would like to second what Council Member Stardig stated about the inauguration, that he had a number of calls from friends and constituents who were really moved by the ceremony and it was great for them to participate in; that he had already thanked everybody for their courtesy, that they were doing their best to get their feet on the ground and talking to their constituents, that he looked forward to working with all of them. Council Member Rodriguez absent.

Council Member Costello stated that they knew he was a runner and part of the Memorial Park Conservancy Board and the City just finished building a bridge called the Memorial Park Living Bridge and would invite everybody to check it out, it was one of the most incredible projects as a public/private partnership that the City participated in, that he wanted to thank the

existing Council Members who approved that project and the private individuals who raised the money for them to participate in a public/private partnership, that it was one of the most incredible projects that was designed and built in less than 12 months, that he wanted to thank Parks and Recreation and the General Services Department for all of the work they did.

Council Member Sullivan stated that he wanted to recognize a paramedic who retiring from the Houston Fire Department after 30 years, Mr. Ronald Grimstead, Station No. 71, Clear Lake, that he would be presenting a certificate of recognition to him on behalf of the City for his hard work.

Council Member Lovell stated that she would be representing the City in a meeting with the Federal Railroad Administration, the Port of Houston and with Chairman Edmonds and the Chair of the Gulf Coast Rail District, former Council Member Mark Ellis, to start some very important discussions about what happens when the Panama Canal was widened and they double the amount of cargo that would come to their port, which would have a huge economic impact, but how were they going to move all that cargo, either by truck or by rail; that she wanted to tell everybody to please take the precautions that they needed to make sure that their house was safe and their car and to bundle up; that they lost a great citizen this week, Ms. Cynthia Woods Mitchell and on behalf of all of them she wanted to extend their condolences and prayers to her family. Council Members Sullivan and Rodriguez absent.

Council Member Johnson stated that he wanted again to say congratulations to everybody and was looking forward to a fabulous year and looking to build strong relationships among the Council so that they could get the City's business done and move forward; that he wanted to invite everybody to a meeting in the City Hall Annex Council Chamber, that there would be an innovation meeting today, that he and Mayor Parker talked a little about innovation, that one of the things that the City of Houston was not well known for, but was the leader in, was nanotechnology, oil and gas and one of the world's greatest medical centers, but yet they still did not get the reputation of being an innovative City, that one of the things that they had never done was to be able to bring together the innovative leaders in the City to all be in dialog, that tough times called for tightening of the belt, and tough times called for innovation so they had to look at how do they do more with less, that today's dialog would be all about how do they find innovation in everything they did and find ways of being certainly more green as they moved forward to save the world, but then how do they tighten the belt to make sure they were not just simply wasting money but were able to do a lot more with less, that no citizen in the City of Houston wanted to see services cut but he thought there was technology out there and thought there were great ideas out there that would lead them in the right direction of keeping their services intact and at the same time being able to keep employees employed and keep their revenue streams going and that was what they were going to be talking about today at 6:00 p.m., that he would invite everybody to come out and be a part of a great discussion that they were going to have. Council Members Sullivan and Rodriguez absent.

Council Member Clutterbuck stated that for the public who was watching and for many of them who were often confused as to why they had what was informally called "pop off" or "Council comment period" it was in order to comply with the public notice requirements and the open meetings act, that the Mayor under their Charter was the one who sets the agenda and Council Members, unless they attained a majority vote and tried to post something on the agenda, did not have the opportunity to post something on the agenda so they were allowed five minutes under the Council rules to have the opportunity to speak about anything that strikes their fancy or what they wanted to speak about; that she wanted to commend Kappa Alpha Psi Fraternity, which was founded 99 years ago on January 5, 1911 at Indiana University Bloomington. Council Members Sullivan and Rodriguez absent.

Council Member Noriega stated that tonight at 6:15 p.m., January 6, 2010, Acting Houston

Police Chief Charles McClelland and members of the HPD command staff were hosting a promotions ceremony followed immediately by an historic cadet graduation ceremony at the M. L. Campbell Educational Center at 1865 Aldine Bender, that Mayor Parker would join Chief McClelland in recognizing 79 men and women who would graduate from HPD Cadet Class 207, which would be the largest cadet class in HPD history, that they had just completed a rigorous 26 week training regiment and would be added to patrol stations throughout the City, that preceding the graduation ceremony Chief McClelland would promote three sergeants to the rank of lieutenant and seven officers to the rank of sergeants. Council Members Sullivan and Rodriguez absent.

There being no further business before Council, the City Council adjourned at 9:35 a.m. Council Member Adams absent due to being ill. Council Members Sullivan and Rodriguez absent.

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