

City Council Chamber, City Hall, Wednesday, January 4, 2012

A Regular Meeting of the Houston City Council was held at 9:00 a.m., Wednesday, January 4, 2012, with Mayor Annise D. Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, present.

At 8:21 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:04 a.m. Mayor Parker called the meeting to order and called on Council Member Pennington for the prayer and pledge of allegiance.

At 9:06 a.m. Mayor Parker requested the City Secretary to call the roll. All present.

Council Members Gonzalez and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBERS 1 and 3

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF PUBLIC TRUSTS**, for terms to expire March 22, 2013:

Position One - **MS. PARVIN AHMADI MCVEY**, reappointment
 Position Three - **MS. JERI BROOKS**, appointment
 Position Five - **MS. KATHERINE M. YZAGUIRRE**, appointment
 Position Seven - **MS. OLIVIA CARBAJAL de GARCIA**, appointment
 Position Nine - **MS. LILLIE J. SCHECHTER**, reappointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. MOTION 2012-0005 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,248,830.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. MOTION 2012-0006 ADOPTED.

ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$341,590.00 and acceptance of work on contract with **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping Replacement - 19.86% over the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0007 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 8A

5. ORDINANCE appropriating \$130,382.00 out of Airports Improvement Fund for the purpose of Realigning existing Fuel Pipes at the Terminal B South Ramp for the Terminal B South Apron Reconstruction (Project No. 643F) for the Houston Airport System - was presented. All voting aye. Nays none. ORDINANCE 2012-001 ADOPTED.
- 5a. **CONSOLIDATED PIPE & SUPPLY COMPANY, INC** for Fuel System Pipes and Fittings for the Houston Airport System - \$87,532.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0008 ADOPTED.
6. ORDINANCE appropriating \$274,485.00 out of Equipment Acquisition Consolidated Fund and \$12,825.00 out of Fleet / Equipment Special Revenue Fund for purchase of Ambulance Cabs & Chassis for the Houston Fire Department and additional equipment for the Fleet Management Department - was presented. All voting aye. Nays none. ORDINANCE 2012-002 ADOPTED.
- 6a. **CALDWELL COUNTRY CHEVROLET** for Ambulance Cabs & Chassis for the Houston Fire Department - \$272,310.00 - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0009 ADOPTED.
7. APPROVE Spending Authority to Address Emergency Concrete and Asphalt Restoration Services by **BOND RESTORATION, INC** in an amount not to exceed \$626,249.25 for the Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0010 ADOPTED.
8. ORDINANCE appropriating \$915,370.05 out of Water & Sewer System Consolidated Construction Fund to Furnish and Install Generators and associated equipment for the Public Works and Engineering Department - was presented. All voting aye. Nays none. ORDINANCE 2012-003 ADOPTED.
- 8a. **HOUMA ARMATURE WORKS HOUSTON, LLC** - \$746,781.00 and contingencies for a total amount not to exceed \$784,120.05 and **C. F. MCDONALD ELECTRIC, INC** - \$125,000.00 and contingencies for a total not to exceed \$131,250.00 to Remove, Recondition and Re-Install Generators and Associated Equipment for the Department of Public Works & Engineering - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0011 ADOPTED.

Mayor Parker and Members of the City Council congratulated the new appointees and re-appointees to the Board of Public Trusts and thanked them for their service to the City of Houston.

ORDINANCES - NUMBERS 10 through 24

10. ORDINANCE supplementing Ordinance No. 2009-1118 relating to the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B; approving an additional Credit Agreement in connection therewith; approving an Updated Offering Memorandum; resolving other matters related thereto; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2012-004 ADOPTED.
11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Paige Street, from Elgin Avenue south to its terminus; vacating and abandoning the right-of-way to Riverside General

Hospital, Inc., abutting owner, in consideration of the conveyance to the City of Houston, Texas, of a variable-width combined storm sewer easement and sanitary sewer easement, Holman Outlot 32 Subdivision, J.S. Holman Survey, A-323, Harris County, Texas, payment to the City of \$162,909.00, and other consideration - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2012-005 ADOPTED.

12. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **UNIVERSITY OF HOUSTON** for the Pilot, Development and Implementation of Antimicrobial Use Software for the reporting of Electronic Medication Administration Records; providing a maximum contract amount - 1 Year with four successive one-year renewals \$1,258,955.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2012-006 ADOPTED.
13. ORDINANCE appropriating \$9,603,028.71 out of Airport System Consolidated 2004AMT Construction Fund and awarding Construction Contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Terminal B South Apron Reconstruction Package 2 at George Bush Intercontinental Airport/Houston (Project 643B); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing services and for contingencies relating to construction of facilities financed by such funds **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. ORDINANCE 2012-007 ADOPTED.
14. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY**; to settle a lawsuit related to a City of Houston backhoe damaging Southwestern Bell Telephone line - \$90,000.00 Property and Casualty Fund - was presented. All voting aye. Nays none. ORDINANCE 2012-008 ADOPTED.
16. ORDINANCE appropriating \$961,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for Homestead Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. ORDINANCE 2012-009 ADOPTED.
17. ORDINANCE appropriating \$1,134,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LANDTECH INC d/b/a LANDTECH CONSULTANTS, INC** for Water Line Replacement in East Tidwell Area and Water Line Replacement in Yale Village Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - DAVIS and H - GONZALEZ** - was presented. All voting aye. Nays none. ORDINANCE 2012-010 ADOPTED.
18. ORDINANCE appropriating \$1,299,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **COBB, FENDLEY, AND ASSOCIATES, INC** for Water Line Replacement in Inner Loop North Area and Water Line Replacement in Tall Timbers Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS G - PENNINGTON and H - GONZALEZ** - was presented. All voting aye. Nays none. ORDINANCE 2012-011 ADOPTED.

19. ORDINANCE appropriating \$1,232,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDCUS INC d/b/a IDC INC** for Water Line Replacement in Cambridge Park Area and Water Line Replacement in Hiram Clarke Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - COHEN and D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2012-012 ADOPTED.
21. ORDINANCE No. 2011-1198, passed first reading December 21, 2011
ORDINANCE granting to **EXPRESS DUMPSTER INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1198 PASSED SECOND READING IN FULL.
22. ORDINANCE No. 2011-1199, passed first reading December 21, 2011
ORDINANCE granting to **GARNER ENVIRONMENTAL SERVICES, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1199 PASSED SECOND READING IN FULL.
23. ORDINANCE No. 2011-1200, passed first reading December 21, 2011
ORDINANCE granting to **COVENANT WASTE SERVICES, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1200 PASSED SECOND READING IN FULL.
24. ORDINANCE No. 2011-1164, passed second reading December 21, 2011
ORDINANCE granting to **GERARDO BERMUDEZ d/b/a GREASE RECYCLERS CO-OP & GREASE TRAP, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1164 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AIRPORT BOARD OF ADJUSTMENT**, for terms ending February 1, 2013:
- | | |
|----------------|--|
| Position One | - MR. JOHN L. MARTINEC , reappointment, and to serve as Chair |
| Position Two | - MR. GARY F. SHIRLEY , reappointment |
| Position Three | - MR. WALLY HUERTA , reappointment |
| Position Four | - MS. CHRISTY B. SMIDT , reappointment |

- Position Five A - **MR. JOHNNY R. GANT**, reappointment (for matters relating to Bush Intercontinental Airport)
- Position Five B - **MR. HUGO C. ALVAREZ**, reappointment (for matters relating to Hobby Airport)
- Position Five C - **MR. JAMES H. COX, JR.**, appointment, (for matters relating to Ellington Field)
- Alternate Position One - **MR. JOHN C. ("JACK") ROSE**, appointment
- Alternate Position Two - **MR. THOMAS L. SEYMOUR**, appointment
- Alternate Position Three - **MR. LEE ALLEN KRAUSE**, appointment
- Alternate Position Four - **MR. JOE DOUGLAS WEBB**, reappointment
- Alternate Position Five A - **MR. JULIUS B. JOHNSON**, appointment (for matters relating to Bush Intercontinental Airport)
- Alternate Position Five B - **MS. ANN M. COLLUM**, reappointment (for matters relating to Hobby Airport)
- Alternate Position Five C - **MR. TRACY D. WHITEHEAD II**, appointment (for matters relating to Ellington Field)

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford.

Council Member Sullivan stated that he was contacted by the Boards and Commissions Office for a recommendation and he requested Issa Dadoush, a former City Department Director, the response they got back from Boards and Commissions was that Mr. Dadoush did not live in the City, that airport issues were regional and Mr. Dadoush lived across the street from the city limits of Houston, one block outside, that he knew the administration had brought forward nominations for people who lived outside the City although they preferred that appointees lived in the City, that made sense and he supported that, but they did not hear back from Boards and Commissions again as to whether or not they would support appointing the two representatives for Ellington Airport, that since Ellington was in his Council District they should have had a more prominent role in making a recommendation to the Mayor to consider for appointment, that if the administration or Boards or Commissions had a comment he would be glad to hear it.

Mayor Parker stated that she was a huge fan of Mr. Dadoush, who served the City of Houston well, and believed that he would serve well on any commission on which she would chose to appoint him and she always weighed the recommendations of Council Members but ultimately these were her appointments.

Council Member Bradford stated that he wanted to get clarification and posted the question of residential requirement within the City limits, was it a requirement or strong preference, and Mayor Parker stated that it was a policy of her administration that they appoint citizens of Houston, taxpayers, to Boards and Commissions inside the City of Houston, but for regional Boards and Commissions they did take a regional approach.

After further discussion a vote was called on Item No. 2. Council Member Sullivan voting no, balance voting aye. MOTION 2012-0012 ADOPTED.

Mayor Parker and Members of Council congratulated the new appointees and re-appointees to the Airport Board of Adjustment and thanked them for their willingness to serve the City of Houston.

ORDINANCES

9. ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS relating to the use of the City seal and department logos – was presented.

Council Member Bradford asked Mr. Feldman how Item No. 9, as it related to City seals, particularly department logos, how did the ordinance impact not necessarily departments, but also departments use of department logos, that he was more concerned about the department logos than he was the City seal, in that there were Super Neighborhood Council's, Citizens on Patrol groups, Ministers Against Crime, many officially recognized auxiliary and support groups of various City departments, particularly HFD and HPD, that used the department logos to further neighborhood causes, did it impact their ability to use the department logos in any way.

Mr. Feldman stated that it only impacted to the extent that it was a third party group that was using the logo without permission, the ordinance change was intended to address, as the RCA provided, issues that they had been confronting where third parties were using either the City seal or department logos for commercial enterprises or for profit enterprises and the City did not have a suitable mechanism to prohibit and prevent that, that the examples that Council Member Bradford talked about, super neighborhoods and community organizations that were working in concert with the City the ordinance would not present any obstacle to a continued coordination between one of those organizations and HFD to use the department logo.

Council Member Gonzalez asked that on the enforcement would the City Attorney's Office be responsible for the oversight, were they looking at law suits if somebody violated it, and Mr. Feldman stated that without the ordinance the only enforcement mechanism that they had was to actually try to enforce their trademark, which meant going into the federal courthouse and a prolonged procedure resulting from that, by having it a specific prohibition in the ordinance they did not have to rely on the trademark and they could get a quick injunction.

A vote was called on Item No. 9. All voting aye. Nays none. ORDINANCE 2012-013 ADOPTED.

15. ORDINANCE appropriating \$130,000.00 out of Miscellaneous Capital Projects / Acquisition Fund for the SAP Project System Module Conversion – was presented.

After discussion by Council Member Gonzalez a vote was called on Item No. 15. All voting aye. Nays none. ORDINANCE 2012-014 ADOPTED.

20. ORDINANCE appropriating \$1,665,750.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **AECOM USA, INC dba AECOM USA GROUP, INC** (Approved by Ordinance No. 2009-1334) for services associated with the East Water Purification Plant; providing funding for CIP Cost Recovery relating to construction financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2012-015 ADOPTED.

MATTERS HELD - NUMBERS 25 and 26

25. ORDINANCE delegating to the Mayor the limited authority to select, approve and authorize an Electric Supply Agreement with a retail electric provider; providing a maximum contract amount – **(This was Item 14 on Agenda of December 21, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented.

Upon questions and discussion by Council Members, Mayor Parker stated that as to negotiating for electricity contracts it was a significant sum, that she did not have an exact

amount, that it was \$20 million she thought, but if they wanted Mr. Dowe could explain.

Council Member Sullivan moved to suspend the rules to hear from Mr. Kelly Dowe, Director, Finance Department, seconded by Council Member Gonzalez. No vote was called.

Mr. Dowe appeared and stated that was correct, it was approximately 20% of the current contract, that it would be in fact \$20 million, it was \$20 million per year over the course of the contract citywide, that it would be for 5 years and potentially \$100 million.

After further questions and discussion by Council Members, Mayor Parker stated that this was an unusual circumstance but not unprecedented, that Council routinely gave the Mayor or the Mayor and Controller the opportunity to conduct bond transactions by setting parameters in advance of what was acceptable for the deal for the City, that this was a similar circumstance in which the pricing of the contract changed on a literally minute to minute basis and they wanted an opportunity to try to time the market, as well as negotiate specifically with the final providers that had gone through several stages of winnowing out by experts in the City but also outside experts to hone the final bidders down, that this was not a completely open ended opportunity for her to negotiate it was a defined opportunity, actually an amendment, offered by Council Member Pennington at the last Council meeting to ensure that items other than price were considered since she was apparently well known as someone who was looking for the price break to allow more flexibility in this item.

After further discussion by Council Members, Mayor Parker stated that she fully intended to implement the provisions of an MWBE partner in this procurement effort, that as they were very well aware it was not the City's normal requirement that they name in advance the partner and that partner was part of the process all the way through, but they were expected to meet their goal with firms that they brought to the table and that would be part of the negotiation that she would yield back to the Council Members for a follow up; that they were expected when they brought the contract forward to indicate how they intended to meet their MWBE goals, that she may have misspoken, she meant that they may actually bring forward a list of minority contractors and that minority list may change after they approved the contract because they were not actually approving the list of minority contractors, they were approving their commitment to meet the MWBE goal and Mayor Parker asked if Mr. Feldman had anything to add to that.

Mr. Feldman stated that this was different from a typical procurement, that when the matter was presented to Council they had a specific vendor who was to be awarded the contract where the MWBE goal could be demonstrated as to how it was going to be satisfied, that here there was no contractor yet, but to be assured that it was part of the process that in entering into a contract with one of these two vendors that they had to be assured that the MWBE goal would be met in good faith.

After further questions and discussion by Council Members, Mayor Parker stated that this item would not come back to Council, it was a preauthorization, similar, but not the same as those where again they authorize the Mayor and City Controller to go and execute a bond sale, after the passage of the item, that they had come down to the final bidders, they would be authorizing her to go and execute the same deal, that normally a contract was not negotiated at the Council table, they tried to let Council Members know the process of the negotiation before it came to the Council table, that the comment "you beat it up and then they send it back" was not normally how the process worked, that this was very unusual, it was a request to allow them to go and execute a contract, the best contract they could, with the winning bidder. Council Member Noriega absent.

After further discussion and questions by Council Members, Mayor Parker stated that

generally when they negotiated a contract it was a much more straightforward process, but they had had opportunities to negotiate where the City Attorney was doing shuttle diplomacy from one vendor in one room and one in another and they cut the best deal and bring it to Council, this would be a similar situation, that as they knew the three vendors were Reliant, TXU and the General Land Office, the expert team would be negotiating with all three simultaneously based on the heat rate and to try to nail it down, so no, there would not be an opportunity to loop Council in while the negotiations were going on.

Upon further questions by Council Members, Mr. Feldman stated no, if the item did not pass the item today there was no other mechanism where the City could act ask quickly as this item would allow the Mayor to do if in fact there was market movement price that was favorable to the City, that in making the recommendation to the Mayor that this path be followed there were only two possibilities, one, where they were inhibited by the Open Meetings Act, they simply could not get Council together quickly enough, to meet quickly enough, to act on a contract while they had the most favorable pricing, so the only option left was to follow more or less the model that they use in the bond situations, which was to delegate the authority to the Mayor, that it was in the best interest of the City to essentially strike while the iron was hot, if they were to delay for the Council to meet in accordance with the law they would lose that advantage.

After further discussion by Council Members, a vote was called on Item No. 25. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2012-016 ADOPTED.

26. ORDINANCE approving and authorizing contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for City-wide Parking Management Strategic Master Plan and Best Practices Assessment for the Administration & Regulatory Affairs Department; providing a maximum contract amount - \$438,140.00 - Parking Management Special Revenue Fund – **(This was Item 23 on Agenda of December 21, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented.

After discussion by Council Members, a vote was called on Item No. 26. All voting aye. Nays none. ORDINANCE 2012-017 ADOPTED.

At 9:56 a.m. Mayor Parker stated that they would move to the public speakers.

Council Member Noriega stated that speakers today were not speaking to an Agenda item so they went through the Agenda; that she wanted all present to understand; that normally if someone was speaking on an Agenda item they would speak before the vote and public speakers were posted for 9:30 a.m., but they finished the Agenda first, there was a reason for it; and Council did look forward to hearing from all present; and Mayor Parker stated that was an excellent point; that they would not have moved to a vote on something if there was a speaker, but they had completed all the business Agenda; and asked the City Secretary to call the speakers.

Council Member Adams moved the rules be suspended for the purpose of hearing Mr. Travis McGee as the first speaker, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0013 ADOPTED.

At 9:58 a.m. the City Secretary began calling the public speakers.

Mr. Travis McGee, 5747 Lakefield Drive, Houston, Texas 77033 (832-488-7709) appeared and stated that last week was two officer involved shootings and he cold have

easily been number three that he was a civic leader and working closely with HPD to reduce crime in the area and was in his place of business December 30th and he heard helicopters hovering; that three to five police cars were coming and he flagged them down to ask for information, but he immediately became the suspect with the officer saying he matched the description and did he have a weapon on him; that he told him he had a CHL and did have a gun on him, the officer said louder that he was holding a gun so he repeated louder he had a concealed handgun license with his hands extended over the hood at all times and the officer removed his weapon and retrieved his CHL from his wallet; that he was asked several times if he was a felon even though he had his CHL and drivers license in his possession; that when everything checked out he asked for his property back and they debated whether to or not and at that time an officer was entering his truck without his permission and took his gun and entered his business without permission and then tried to tell him where he could and could not stand; another officer stated that he did everything correctly and since Channel 13 was hovering they had to take a picture of him so they could take him off the list and he asked what list was he supposed to be on and the officer replied a supervisor wanted to see him at the scene and they forced him to go; that all officers were inexperienced and he owned the first three blocks so if he had to walk he was still okay; that he worked with Council Member Adams and Police Chief, etc., who encouraged a neighborhood watch, but if they could not communicate with police how could they; that one particular tall and white skinny officer would have at least three bodies on him by the end of the year if something was not done. Council Member Rodriguez absent.

Council Member Adams stated that she was frustrated and wanted to thank Council Members Bradford and Noriega for also working with this; that few times did she show frustration and anger in public at the table, but she commended Mr. McGee on being persistent on what he believed in; that they had met with Chief McClelland and Captain Jones, etc., to work out a plan to decrease crime in his neighborhood and they were told there would be bike patrol, etc., and she gave them a month to two months to communicate with him about the plan, he said he would get whatever they needed, but to this day no one had communicated with her office, one officer said he did not have time; that if Mr. McGee was doing what he should what confidence did they have in leaders in HPD to follow through, he should not have been put up against a police car, etc., and she was asking Mayor Parker how would they put trust back and decrease crime; and Mayor Parker stated that Mr. McGee apparently had a very unfortunate incident on his property where officers did not understand the concealed handgun law and mishandled the situation; that on the neighborhood crime if officers would have worked with him they would have known him; that she understood the point and would make sure the department met with him and they get to the bottom of this; that Sergeant Baltazar was present and he should speak with him before leaving. Council Member Pennington absent.

Council Member Noriega stated that she spoke with Mr. McGee on both issues and she would like to give him a minute of her time. Council Member Pennington absent.

Council Member Sullivan moved the rules be suspended for the purpose of extending the time for questions of Mr. Travis McGee, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Pennington absent. MOTION 2012-0014 ADOPTED.

Council Member Noriega stated that she apologized to Mr. McGee for the incident; and asked he complete his statement; and Mr. McGee stated that he came in contact with 300 young men monthly and how could he continue telling them HPD was good, there were good and bad and the only way to fix the problem was to get rid of bad officers; that they could have planted anything in his business or truck and he had no record; that he initiated the crime prevention in the area and he was illegally searched and detained and he did not want to go to the scene of the crime so someone could accidentally point him out; that the one particular officer was going to have three bodies before the year was over; that he went to Internal Affairs two times yesterday and did not get information requested and he was asking Mayor Parker to request the information and prove to him he was the one shooting the gun. Council Members Sullivan, Hoang and Pennington absent.

Mayor Parker stated that this would not be solved here today and several Council Members still had questions and she did want Sergeant Baltzar to speak with him before leaving. Council Members Sullivan, Hoang and Pennington absent.

Council Member Burks stated that Mr. McGee and he were neighbors and when a rogue officer decided to mistreat and search someone, it happened all the time in their neighborhood and he had not seen bike patrol but once in the 30 years he lived there; that they did need neighborhood watch. Council Members Sullivan and Hoang absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Travis McGee, seconded by Council Member Adams. All voting aye. Nays none. Council Members Sullivan and Hoang absent. MOTION 2012-0015 ADOPTED.

Council Member Burks stated that Mr. McGee was committed to getting the neighborhood to work together and there was an old saying, "they all looked alike" and it seemed to be the direction the officer took that day, it was bad police work and he apologized to him for this. Council Members Sullivan and Hoang absent.

Council Member Gonzalez stated that he apologized to him, but he saw this in different pieces, first the interaction with police and if there were improper police procedures it needed to be resolved and worked up the chain and the other issue based on information provided it seemed there was a 911 call and a shooting in progress and having been out there many times information received was very limited; and his philosophy was when people knew their officers before they were needed it brought better, safer and strong communities and supervisors needed to be aware of all the issues and he commended him on his path of addressing crime. Council Members Cohen, Hoang and Noriega absent.

Upon questions by Council Member Bradford, Mr. McGee stated that he had been civic club president six years; that he had worked with HPD and they had worked out some issues. Mayor Parker, Council Members Cohen and Hoang absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Travis McGee, seconded by Council Member

Adams. All voting aye. Nays none. Mayor Parker, Council Members Cohen and Hoang absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2012-0016 ADOPTED.

Upon further questions by Council Member Bradford, Mr. McGee stated that he had filed a complaint; and Council Member Bradford stated that this goes back to what Council Member Pennington proposed on the budget, two cycles, trying to advance a measure or assurances which would get citizens in the community, who had a desire to work with officers, more had to be done to make it happen; that he did not know if actual officers who patrolled the area participated in the civic club meetings; and upon questions, Mr. McGee stated that storefront officers came to civic club meetings; and Council Member Bradford stated that maybe a breakdown; that he also wanted on record in his view Chief McClelland was a good chief and disciplined and terminated officers who did partake in wrongdoing, but sometimes things did breakdown; and upon questions, Mr. McGee stated that anything done had to have commonsense in place; that he tried to explain who he was, his position, etc., and they would not listen; that he did not want special treatment, but he had not broken any laws and did not want to be detained that way and if they did have better relations in the community such things could be resolved; that the community was not a training area; that he said the officer would have three bodies because he was disappointed he had his concealed handgun license, he was disappointed he came back clear; that he was not racists but he knew hate when he saw it and if the helicopter was not circling he would not be standing before them today; and Council Member Bradford commended Mr. McGee's conduct and professionalism; and he was not trying to run HPD but to build relationships in the community the process needed to be in place where officers who worked the area had contact and communication with those in the area; and Mayor Parker stated that Council Member Bradford made an excellent point about patrol officers being engaged in community and not just storefront officers as it was a constant issue around the city. Council Member Hoang absent.

Council Member Pennington thanked Mr. McGee for being a leader in his community and stated this was an important issue.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Travis McGee, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Hoang absent. MOTION 2012-0017 ADOPTED.

Council Member Pennington stated that it was an important issue for the whole city and Council Member Bradford offered an amendment a couple of years ago on the issue and the Mayor created committees to create oversight, but in his own mind he thought what should be done was what Council Members Gonzalez and Bradford said and develop better relationships in the community; and he was going to encourage such activities at the PIP meetings, etc.; and he apologized for what he had to address. Council Members Hoang and Gonzalez absent.

Mayor Parker stated that Chief McClelland was absolutely committed to community oriented or neighborhood oriented policing exactly as described. Council Members Hoang and Gonzalez absent.

Council Member Christie stated that if the investigation backed up all these factual things he did apologize to him. Council Member Hoang absent.

Council Member Noriega stated that she apologized; that she was interacting with the Police Chief and here you had a challenge with Council Members, the District Council Member was working with constituents and working out the policy issue, etc., and as the chair of public safety she had a responsibility in addition to that so they were working together and there was a little challenge to make sure all knew what everyone was doing, it was a holiday weekend and the Mayor was not aware; that the most powerful statement made while working in communities was a woman in Sunnyside who said in her neighborhood what they saw was standing up for themselves the police saw as aggressive; that there was a serious shooting where a woman had her windows blown out, she was with children and that did not excuse what happened, but there should be a discussion on storefronts, what they were to do, etc. Council Member Hoang absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Travis McGee, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent. MOTION 2012-0018 ADOPTED.

Council Member Adams stated that today Mr. McGee had heard much support and Council Members Bradford and Gonzalez were in HPD and the safety chair and all were committed to coming up with something; that she did want all to follow through on what they said they would do; and she too was committed and following through with Chief McClelland; and she would like everyone's expertise and looked to the Mayor's leadership. Council Member Hoang absent.

Mayor Parker stated that her Chief of Staff, Ms. Chen was present and she and Sergeant Baltazar would speak with him; and point well taken on neighborhood oriented policing and the need to do a better job with community; and the Chief was aware. Council Member Hoang absent.

Council Member Burks stated that Mr. McGee did participate in PIP meetings and was vice president of Super Neighborhood in the area; that he mentioned Channel 13; and upon questions, and Mr. McGee stated that the officer said he had to take a picture since Channel 13 was circling so they would know everything was okay, but he thinks he sent the picture to the supervisor and no one apologized.

Mr. Bob Schoellkopf, 7320 Shady Grove Lane, Houston, Texas 77040 (832-754-6187) appeared and stated that he was former candidate of District A; and was present to congratulate Ms. Helena Brown and Mr. Andrew Burks; that he hoped all would represent the people and not the Wal-Mart's, etc. Council Member Rodriguez absent.

Mr. Luis M. Limones, 5811 Dwyer, Humble, Texas 77396 (713-367-4630) appeared and stated in Spanish with Council Member Gonzalez translating that he wished all a happy new year; that he received a water bill in June for \$260.00 and knew it was in error as his bill had never been over \$80.00; that he tried working with the Water Department and was treated badly, he had expected better. Council Members

Sullivan and Rodriguez absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Luis M. Limones, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Sullivan and Rodriguez absent. MOTION 2012-0019 ADOPTED.

Upon questions by Council Member Gonzalez, Mr. Limones continued with translation by a representative of Citizens Assistance and stated that he did not think he should be pressured to pay a bill he did not consume, he had no large garden or pool and he did not have a large income and this was not Mexico and he should not be pressured; and he was not aware the city had ever gone out to check his meter. Council Members Sullivan and Rodriguez absent.

Mayor Parker stated that Council Members were distributed information at the table regarding a report from Public Works describing the incident; that she was sorry he felt he was not treated well, but all conversations with Water Customer Service were recorded and no evidence was found of mistreatment or negative comments; and if he wished to bring further complaints they could investigate more extensively; that a total of \$291.64 was removed from the bill after his complaint and in compliance with city ordinance when there was a possible error but because they found no evidence the meter was not working and after four inspections the bill was his to pay; and Mr. Limones stated that he had video recordings of personnel working and he would give it to the news network; that they needed to work together; that they were working on fire hydrants, attaching water lines to them and they expected him to pay for water from the hydrants; and Mayor Parker stated that he was not charged for water unless it went through his meter and that should lead only into his house; that Mr. Norman was present and could take down more information from him; and Mr. Limones stated that he used 7,000 gallons a month over five years so why would he be charged for 30,000 gallons in a month, it could not be correct.

Mr. Dwight Green, 6615 Maczali Drive, Missouri City, Texas 77489 (281-437-4211) had reserved time to speak but was not present when his name was called.

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (713-738-3410) had reserved time to speak but was not present when his name was called.

Ms. Leah Kelly, 4000 Hollister, Houston, Texas 77080 (832-216-0437) had reserved time to speak but was not present when her name was called.

Mr. Michael Amerson, 5353 Deep Forest Drive #604, Houston, Texas 77092 (281-974-2340) had reserved time to speak but was not present when his name was called.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called.

Ms. Linda Murray, 6201 Bending Oaks, Houston, Texas 77050 (281-449-5232) appeared and stated that she had two items, her girlfriend at 2022 Sadler had the privilege of paying taxes, but did not have a recycle bin and it was time she get one; that next was community gardens; that she was picking greens in November as before and a woman came out and said she could not pick them.

Upon questions by Council Member Adams, Ms. Murray stated that she did not want her life threatened by Mr. Barns because she had a leaf; that it was at West Gray and city employees was running out and saying the problem with the community garden was people in the community were coming to pick; and Council Member Adams stated that she would like her to meet with Ms. Barton who was present.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called.

President Joseph Charles, P. O. Box 524373 #227, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he wanted three minutes; that four Council Members purchased city offices; that he was President of the U. S.; and continued to express his personal opinions until his time expired.

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.

At 11:00 a.m. Mayor Parker recognized Council Member Bradford for Council Member presentations.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bradford stated that he wanted to give 5 stars to HPD and HFD, that last Thursday about 11:40 p.m. officers with the Houston Police Department South Central Patrol Division joined forces with the Houston Fire Department to help rescue a trapped teenage girl, that officers responding to a report of a women screaming for help in the 3300 block of McGowan arrived to find a house on fire, that there were people inside and upon being told that there was a child trapped in the back of the house the officers ran to the back window only to find that it had been blocked by burglar bars, that he tried with his baton and they started pushing and prying until they got both sections of the window broken lose said Senior Police Officer Dominguez, that he tried to go in and they could hear something like the wind and the next thing he knew something blew by him onto the driveway, that officers then picked him up and then all of them lifted a Houston Fire Fighter into the window, he was able to remove the rest of the burglar bars and grab the little girl and go out the window, they grabbed her and took her running to the ambulance, that it was truly a team effort and all five children and their mother made it out of the house, that today they heard comments and commentary about HPD and as he said earlier sometimes things go quite well and sometimes they break down, but when it was all said and done he thought they should, and he saluted HPD and HFD, and gave them 5 stars for a job well done and wearing the brand well. Council Member Hoang absent.

Council Member Laster stated that as they knew he and Council Member Hoang shared a community organization known as the Taipei Economic and Cultural Center, which was officially located in Council Member Hoang's district, that Director General Joseph Chen would soon be retiring and returning to his home country and they would be honoring him soon, that they wanted to thank Director General Chen and his staff for all the work they did in southwest Houston. Council Members Hoang and Noriega absent.

Council Member Sullivan stated that during the Christmas Holidays he had an opportunity to ride with the Houston Police Department three times, once out of the South Central Sub Station with Officer Lee Hale and twice out of the Midwest Sub Station with Officer Colleen Nelson, that he wanted to take a minute, especially in light of the public speakers they had today, to acknowledge the good work that he saw these officers doing, that he wanted to compliment the officers that he rode with as well as the officers that he saw them working with for the professional attitude that they had and how they approached their job and dealt with the constituents; that he felt like Council Members were elected to be a voice for their constituents and also for good government and sometimes that meant he had to agree with the Mayor and sometimes he would be in disagreement with the Mayor, that he did not take that personal and would hope that the Mayor would not penalize him for doing something that he thought was right, especially if it was an issue of principle for him, that after his comments about the Airport Commission this morning he had just learned that Darrin Hall stormed into the cloak room and made the comment "well I hope you guys don't want another appointment", that not only did he say it to his Chief of Staff, there were about ten other people in there who heard him and they verified it when he asked them, that he was offended by the statement, his comments were unprofessional, disrespectful and clearly retaliation for his comments earlier. Council Members Hoang and Noriega absent.

Mayor Parker stated that yes, if in fact they were true, they were disrespectful and totally inappropriate and she would apologize on behalf of her staff and would have appropriate words with that staff member. Council Members Hoang and Noriega absent.

Council Member Gonzalez stated that he wanted to welcome their new colleagues in the Council Chamber and looked forward to working with each and everyone of them over the next few years to continue to make their City a better place to live, work and play for their families; that he wanted to congratulate Houston First Corporation, the City of Houston and all of the great sponsors and partners that made this year's New Year's Eve Live Celebration at Discovery Green such a success; that as they kicked off their second term in the District H office he was committed to continuing to forge partnerships with their communities in order to keep their neighborhoods safe, clean and positive environments for their friends, that he would encourage all District H residents to reach out to their team at City Hall with any questions, concerns or comments, they could be contacted at 832-393-3003 or via email, DistrictH@houstontx.com; that he was proud of the Texans as they would host their very first playoff game at home on Saturday, that he looked forward to a victory over the Bengals with 70,000 screaming fans on hand. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Adams stated "go Texans" and stated that she looked forward to watching the game on Saturday; that there would be a meeting at 6:00 p.m. at the Clayton Library, Carriage House, so for those who lived in the Museum Park Super Neighborhood area she would encourage them to please meet her and the leaders tonight; that next week she would be meeting with the McGregor Community concerning a bike bridge and bike trail at the large conference room in the City Hall Annex, for any questions they could contact Dr. Pointdexter at the Timbercrest Civic Association for more details concerning the meeting; that she wanted to thank her sorority sisters who were in the audience yesterday of the Delta Sigma Theta Sorority, that her nephew corrected her that he was a proud firefighter with the Dallas Fire Department; that during redistricting they had some additions and she was proud to be the Council Member who represent the South Belt Ellington in former District E, as well as the South Park Community, and the northern part of Third Ward that was formerly in District I, that she looked forward to hosting community meetings with them and hearing their concerns; that they had a monthly newsletter called the District Detail to inform their constituents of what they were doing in the office and all of those exciting things occurring in District D, if they had any questions or wanted to be added to the newsletter to please contact her office at 832-393-3001

and ask for Jaren Raven; that she wanted to thank Council Members Sullivan and Rodriguez's staff for communicating with their staff to insure that the transition went well and that they could move forward on making sure they could provide the same service that they were providing to their districts; that she wanted to welcome all of her new colleagues, as well as the Mayor, Mayor Pro Tem and Vice Mayor Pro Tem, that she wanted to commend all of the directors as they continued to move the City of Houston forward to provide the necessary services and looked forward to working with them, that she wanted to wish a happy New Year to all of her constituents. Council Members Sullivan, Hoang and Rodriguez absent.

Council Member Pennington stated that he wanted to recognize the Mayor and her staff, particularly Susan Christian, for the wonderful event that they planned and executed yesterday; that he believed that their newly elected officials showed some leadership qualities and were interested in getting things done, that he looked forward to collaborating with them and hearing what their ideas were and moving forward; that he also would like to say the same thing the Mayor said, the priorities, in her speech yesterday, he thought the important ones were that they wanted to work on jobs and improving their communities and he looked forward to working on specific programs to do; that he wanted to recognize the Houston Texans for the great job they had done in spite of tremendous adversity, that he wanted to wish them well, as well as the Houston Cougars in the bowl game. Council Members Sullivan, Hoang and Rodriguez absent.

Council Member Green stated that he wanted to give District K's Council phone number, for those constituents who were listening, 832-393-3016, they looked forward to working with them; that he wanted to thank the communities of Hiram Clarke, Braes Oaks and Westbury for meeting with them prior to taking office to develop a strategic plan for their neighborhoods, that the communities of Willow Meadows, Willowbend and Westwood, they would be meeting on January 11, 2012 at 6:30 p.m., place to be determined, they would also be meeting with the South Braeswood Communities, Westridge, Linkwood, Woodside, Woodshire, Norwood Village, Braeswood Place and Townhouse Manor on Tuesday, January 24, 2012, place to be determined, and finally Wood Fort Bend Houston on Thursday, January 12, 2012 at the Briargate Club House; that he wanted to thank Mr. Gary Norman, Public Works, who went over the agenda with regard to Public Works issues; that he wanted to say "way to go Cougs, great job on winning the bowl game the other day", and also when they talk about the Texans they all knew the reliant stadium was in District K and they appreciated them wholeheartedly and looked forward to hopefully going to the Super Bowl. Council Members Sullivan, Hoang and Rodriguez absent.

Council Member Cohen stated that she wanted to thank Mayor Parker and her staff, that she received numerous comments about how well the program went yesterday, that along with the comments about the program she received a lot of comments from people who said that the Mayor's staff and all people involved were so courteous and respectful and made the experience extraordinarily enjoyable, that she wanted extend to them a thank you; that she wanted to thank all of the staff that had been involved in helping them move into their offices. Council Members Sullivan, Hoang and Rodriguez absent.

Council Member Burks stated that he wanted to commend the Mayor and Council for yesterday, that the program was excellent and he was so proud, that his grandson teased him and said "grandpa when you looked up and waved your eyes twinkled", that it was a great experience yesterday; that his first meeting today was a good meeting and a learning experience, that he listened to his veteran colleagues because they were leading by example; that At Large 2 was preparing for a task force to focus on veterans affairs and needs, and international business, they were also going to be working on economic development and housing and working with NASA and to improve the quality of life for all Houstonians in the City, that they had a serious agenda but in hearing the Mayor speak yesterday he knew they could make these things happen, especially things for veterans, housing for homeless veterans,

getting jobs for veterans, they had the largest veteran population in the United States. Council Members Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that she wanted to thank Council Member Burks for the comment about veterans, that she would note that they had a veterans hiring preference in the City of Houston, all things being equal they always hired the veteran and a number of the department directors in Houston were veterans and they were one of the few American cities that had a full time Veterans Affairs Coordinator, Buddy Grantham, who did a phenomenal job and would work closely with him on any veteran activities that any of the Council Members wanted to engage in. Council Members Sullivan, Hoang and Rodriguez absent.

There being no further business before Council, the City Council adjourned at 11:20 a.m. Council Members Sullivan, Hoang and Rodriguez absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary