

City Council Chamber, City Hall, Tuesday, September 22, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 22, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega Ronald C. Green, and Jolanda "Jo" Jones and; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present.

At 2:06 p.m. Mayor White called the meeting to order and stated that Council Member Gonzalez would begin presentations. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez invited Mr. Lorenzo Diaz to the podium and stated that it was his honor to present a Hispanic Heritage Award and this gentleman was a personal friend who served the Houston Fire Department with honor and distinction for the past 27 years and through his career had been an active member of the Houston Hispanic Firefighter Caucus Local 341 where he devoted energy to community services, etc., and presented him a Proclamation proclaiming today as "Chief Lorenzo Diaz Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan invited Miss Mahak Saad to the podium and stated that the youth were the future of our city and they should be honored for their importance and contributions to society and they should be cherished and nurtured with great care; that Miss Mahak Saad was a senior at Hightower High School, a medical science academy, that she was in the top 1% of the class and one of the top five seniors; that she had previously placed first, second and third in city debates and she was a part of the competitive medical science internship program at MD Anderson and Veterans Hospital going on to advance internships at the Houston Medical Center and Texas Heart Institute during her senior year; and presented her a Proclamation proclaiming today as "Mahak Saad Day" in Houston, Texas; and Miss Saad stated that it was an honor to receive and thanked all for the recognition. Council Members Johnson, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that 15 students would be departing Houston tomorrow to Washington, D. C., and five attended HISD in District D and invited officers of the World Youth Foundation, Inc., to the podium; that they were a national nonprofit organization based in Houston, Texas, and established to provide youth with resources as they struggled against many adversities which challenged them in today's world and enhance their positive growth to being positive, active citizens; that September 23 through 27, 2009, World Youth Foundation, Inc., would participate in a youth leadership forum in Washington, D. C., and presented them a Proclamation saluting them on such an important occasion and proclaimed today as "World Youth Foundation, Day" in Houston, Texas. Council Member Adams invited a student, J. R. Roberts, to speak; and Mr. Roberts stated that he was with Candy Stripe Academy and thanked the city for the partnership with the World Youth Initiative; that because of their support he and others did not have to be another statistic and tomorrow he and others would be sharing their ideas with Congressmen and Congresswomen and possibly the president on their views and it showed his influence did matter. Council Members Johnson, Sullivan, Holm, Gonzalez, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

At 2:17 p.m. Mayor White called on Council Member Khan who invited Mr. Faraz Khan to lead all in prayer and Council Member Khan led all in the pledge of allegiance. Council Members Green and Jones absent.

At 2:20 p.m. Mayor White requested the City Secretary call the roll. Council Members Green and Jones absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Green and Jones absent.

At 2:21 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Green and Jones absent.

Mr. Percy Gonzalez, 5537 Harrisburg, Houston, Texas 77011 (713-921-3571) had reserved time to speak but was not present when his name was called. Council Members Green and Jones absent.

Mrs. Rachelle Denson, 5927 Southseas, Houston, Texas 77033 (713-645-2304) appeared and stated that she wanted to thank Solid Waste for coming and picking up all the trash in the neighborhood, finally someone acted on their many calls; that Monday representatives came out to check on their concerns of overgrown vacant lots, unprotected houses, etc., and today was complaining about two huge trees in her front yard on city property and she and her husband felt they were dangerous; that they would also like street lights turned on as they reported them weeks ago; that JFT Construction did street repairs on Southseas and said they had to call Reliant, but Reliant said the contractor needed to do it and today she was present asking for assistance. Council Members Lawrence, Green and Jones absent.

Mayor White stated that he was making notes on the street lights; and upon questions, Ms. Denson stated that no one caught who was dumping as it was done at night; and Mayor White stated that they found when arresting people for dumping sometimes they lived in or near the area they dumped and they would get on her complaint but did need to catch some of them doing it and send a message out and help from those in the area was needed by catching license plate numbers, etc., just use common sense and they would get on it. Council Members Lawrence, Lovell, Green and Jones absent.

Council Member Adams stated that the city received numerous complaints such as hers and the city went out and picked up and then it was dumped on again; that she did commend Crime Stoppers in catching some of those who had been dumping and Mr. Drabek could speak with her about her lights and a representative would be present with Solid Waste or member of her staff to speak with her about the trash issues and see what positive solutions could be done as it was an ongoing problem. Council Members Lawrence, Rodriguez, Lovell, Green and Jones absent.

Mr. Walter Denson, 5927 Southseas, Houston, Texas 77033 (713-645-2304) had reserved time to speak but passed when his name was called. Council Members Lawrence, Rodriguez, Lovell, Green and Jones absent.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and stated that he was a candidate for Houston City Council at Large Position I and was present to find out what could the Mayor and Council do to ensure free speech for those circulating petitions for electoral or political issue purposes in Houston city parks; that on August 18th he was circulating a petition in Memorial Park and stopped by a Houston police officer who advised him what he was doing was illegal and he needed to stop; that he made calls to the city and received one back from Elliott Ruben, in Parks and Recreation and they looked at Section 223

of the Parks Rules and Mr. Ruben agreed the officer was correct, but it did not seem right to him and either the park regulation was an unconstitutional impediment to free speech or it had been interpreted incorrectly. Council Members Lawrence, Adams, Rodriguez, Lovell, Green and Jones absent.

Upon questions by Mayor White, Mr. Cook stated that his court date was set for Friday, September 18th and on advise of counsel requested a jury trial the Wednesday before, but the computer could not set a date for some reason and he was told in two to three weeks he could get a date, but it would be after the election; that he saw no city attorney when he went to the court; that he had called Mr. Cheatham and he would at this time apologize to his secretary as he was emotional and trembling with rage at what he deemed to be unconstitutional; and Mayor White stated that he was directing the City Attorney's Office to promptly look at the legal issue raised by a qualified person and he was sure it would be resolved; that the law actually took lawyers to describe and apply to a circumstance such as the nature of the first amendment and it was not that they could bar anyone from doing petitions at the park, nor was it that anyone could stand in the middle of the running trail and flag people, the law had a balance, people could petition on public spaces when done in a reasonable manner; and he would ask Legal to handle this accordingly and in fairness to officers they were well trained and were familiar with fourth amendment and unreasonable searches and seizures, but this was a second case in the last 5-1/2 years, they could not expect all officers... and he came to the right forum to get it fixed and he was asking the Legal Department to get it fixed. Council Members Lawrence, Lovell, Noriega, Green and Jones absent.

Council Member Clutterbuck stated that she would voice support for Mr. Cook's position and she thought they could expect police officers and anyone upholding the Constitution to cipher between illegal activity and someone conducting free speech; and Mayor White stated that he would say to Legal and Parks Departments that petitioning for public office under first amendment was different than commercial speech or solicitations and he wanted it interpreted right and it did not require a judge, it required a prosecutor who could decide what to do. Council Members Lawrence, Lovell, Noriega, Green and Jones absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Lovell, Noriega, Green and Jones absent.

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. Council Members Lawrence, Lovell, Noriega, Green and Jones absent.

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared, presented information and stated that she was present speaking on behalf of the Houston Professional Towing Association; that they understood SafeClear vendors were asking for an extension of contract for an additional three years and the current contract had been in place since January 2005 and many changes were made to better the program, but never placed out for rebid; that the cost had risen from the original estimate of \$1.5 million to over \$5.5 with a program and administrative cost; and they believed it was time to keep the program and look to other providers; that the association proposal would open up the contract for more participation but only with wreckers needed for the freeway, they would be dedicated to the freeway and not leave to run accidents in the accidents lowering response times; and urged the contract be placed out for bid. Council Members Lawrence, Lovell, Noriega, Green and Jones absent.

Council Member Lovell stated that last week they had a combined meeting with Public Safety and TIA concerning SafeClear and a study was brought in by Rice University and Texas

A & M, well respected universities, and their information showed that SafeClear was incredibly successful and so much so that the committee voted to renew the contract; that it saved time for those on the road and millions of dollars for the city and it was the Mayor's idea but was now a national program and she commended all those involved with SafeClear; and she voted to renew the contract; that a trust with citizens was built and she felt it would be damaging to not continue with the same operators Council Members Lawrence, Lovell, Noriega, Green and Jones absent.

Ms. Pool stated that with a minor accident and no injuries a police officer was not dispatched and it was not in recorded data so an accurate figure of traffic was not there; that the Texas Legislature had now given the Texas Towing Act and all wrecker drivers across the state had the same background checks, tests, certification and extended training and they did not want to change the program, it worked, they only wanted it opened for competitive bids. Mayor White, Council Members Lawrence, Lovell, Noriega and Green absent. Council Member Khan presiding.

Council Member Johnson stated that he heard at committee there were several tow truck operators wanting it out for bid; and Ms. Poole said they did not want to change the process; and upon questions, Ms. Poole stated that they would put in their bid the GPS factor which was the global positioning system and it would track each truck, it would be more than the TranStar capability and the record would be available for six weeks to verify from. Council Members Lawrence and Green absent.

Upon questions by Council Member Jones, Ms. Poole stated that they could provide GPS six hours a day free so they could do this cheaper; and Council Member Jones stated that numbers on savings would be helpful to her; and Ms. Poole stated that she would try and get information and be with her by the end of today. Council Members Lawrence, Johnson and Green absent.

Mr. Majdi Alkhuli, 16527 Cypress Bridge, Cypress, Texas 77429 (281-8080-9100) appeared and stated that he owned a wrecker company and storage lot and had contracts with the City of Houston for 13 years with no violations; that five years ago the city got SafeClear and took 25% of his business; that he waited five years to come talk and all he wanted was equal opportunity; that he did not want the program changed, just the same opportunity as the SafeClear operators. Mayor White, Council Members Lawrence, Johnson, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Souhail Adam, 10400 Southwest Plaza Drive, Houston, Texas 77074 (713-545-2744) appeared and stated that he was present on the issue of SafeClear, he also would like the program opened for participation with qualified companies; that the industry as a whole was much better than five years ago and he felt it should be opened for participation based on merit, reputation, equipment, etc., he had 35 trucks operating in the central district and could do tows for less because he was close and could pass the savings on, but it was not out for bid. Mayor White, Council Members Lawrence, Johnson, Holm, Lovell and Noriega absent. Council Member Khan presiding.

Council Member Khan stated that he was hearing no one present had a problem with the SafeClear program, but wanted a process opened so they could bid for the contract; and upon questions, Mr. Adam stated that he was correct and many companies went through the same qualifications and rules as the segment holders, whether it was insurance, etc., he only knew of one or two individuals who subcontracted the program; that he felt it should be opened for bid and awarded on qualification, etc. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Rodriguez absent. Council Member Khan presiding.

Council Member Jones stated that she had not heard anyone say the program did not do what it was intended to do, if they were trying to be fiscally responsible why would they not put it out for bid, her issue was were they getting the best for the dollar and could someone do it cheaper with all still being equal; and Council Member Lovell stated that some things cheaper were not better, especially in public safety issues; that their decision was based on an independent study done by Texas A & M and Rice University which said the program was successful and with this particular program it was not really about saving money, it was about who could do the best in protecting lives, it seemed unfair not to go out for bid now, but when you have such a successful safety program she was not willing to risk it and everyone talking about opening the contract talked about saving money, the basis of this was not money, but saving lives and keeping traffic moving.; and Mr. Adams stated that with all due respect he did not believe the study by the universities recommended no one else be able to participate in the program, to be exclusionary; and Council Member Lovell stated that the point of the study was whether it was successful and lives being saved with traffic being moved; and it was Council's decision whether to put it for bid and cheaper was not better to her. Mayor White, Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Brown and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Yousef Abdulla, 4717 Gessner Drive, Houston, Texas 77001 (713-539-3798) appeared and stated that he was not present to criticize SafeClear, but he thought it was in the best interest of the city to open the program for all, it was good for safety, but competition would allow a lower cost to the city and its citizens; that the Council Member emphasized trust and he agreed, but some owners participating in the program had been indicted; that other companies wanted to participate and they were being denied. Mayor White, Council Members Lawrence, Johnson, Adams, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that cheaper did not necessarily mean less to standard nor less safe and she did not understand how money did not matter in any contract, money always mattered; that the current group of tow truck owners who were currently beneficiaries of the SafeClear contract could win a rebid, that if the program was well and safe if another contractor received it then it should still flow; and she wanted to take up if anyone took the word cheaper to mean substandard, this was about fiscal responsibility and competitive bidding and doing the best for taxpayers with their dollars. Mayor White, Council Members Lawrence, Johnson, Adams, Holm, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Elizabeth Smith, 18323 Tall Cypress, Spring, Texas 77388 (713-328-9276) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Holm, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Terry Manuel, 6719 McKeever, Pearland, Texas 77584 (832-473-1858) appeared and stated that he was present as he and others were present to say Council Members had a misconception of the towing industry, Council planted a seed with all those in the industry, the Mayor asked they clean up and they did it; that a blueprint was in front of the city, but the city was now in fear; that he respected what the Council Member was saying, but he towed for officers who worked the street in the neighborhoods and there were key issues Council Members needed to look at; that he applauded Janet Rash and five years ago was afraid the city would put him out of business by their restraints, his industry was loose and dangerous and gave the city no choice but to place the rules, but today they had a vision and plan for the future and they had the infrastructure for Houston teamed with METRO, HPD, TranStar and all tow truck operators licensed by the state. Mayor White, Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Manuel stated that this was not about taking a fellow tower out of the program; that he was for expansion of the program, to expand segments; and Council Member Khan stated that the industry had improved tremendously and he hoped they continued on that path. Council Members Lawrence, Johnson, Holm, Gonzalez, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Jess Horton, 2665 Villa Creek Drive #105, Dallas, Texas (972-247-9454) appeared and stated that he was executive director for Southwest Tow Operators, a professional vehicle towing, storage and recovery association for the State of Texas and the Houston area; that they watched over SafeClear since its inception and it had become very successful; that today towers were different, they had gone through strenuous requirements and process to gain licensing, went through drug testing, background checks, etc., all qualifications for the program were now statewide and mandatory; that he would like included in a renewal bid process to include systems such as a unified information database which would allow for better communication, safe zones taking up part of the park and ride and transit centers, multiple trucks in each zone per segment, GPS tracking in each SafeClear truck. Council Members Lawrence, Holm, Gonzalez, Brown, Lovell, Green and Jones absent.

Mayor White thanked Mr. Horton for coming and for his comments. Council Members Lawrence, Holm, Gonzalez, Brown, Lovell, Green and Jones absent.

Mr. Nickino Harris, 7520 Brompton, Houston, Texas 77025 (832-785-4916) appeared and stated that he grew up in the Fifth Ward and owned his own towing company, but in 2004 with the starting of SafeClear he and his partner lost 65% to 75% of their business and they towed off the freeway for a small fee; that it was said the concern was safety and he worked for Triple A, police and started his business; that Triple A trained you for the freeway before they certified you; that all towing now had to be state certified. Council Members Lawrence, Holm, Brown, Lovell, Green and Jones absent.

Mayor White thanked Mr. Harris for coming and his comments; and stated that he and some other speakers did make constructive points and the direction of the towing industry was something all could be proud of. Council Members Lawrence, Holm, Brown, Lovell, and Green absent.

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77021 (713-228-8872) appeared, presented information and stated that the raving reviews received from Texas Transportation Institute and Rice University was more than she dreamed they could accomplish; that they did have much participation in SafeClear with 50 subcontractors outside of the 11 contractors; that they did have to up the training and had to do things to participate, to accomplish their goals they did have to have good companies and they did have GPS on all tow trucks and the radio system at TranStar, but SafeClear was unique and she appreciated speakers stating it was a wonderful program and it was beyond what any other city was doing and the bottom line was you had to have responsibility and the buck had to stop somewhere and it stopped with the 11 contractors. Council Members Lawrence, Holm, Gonzalez, Brown, Lovell and Green absent.

Council Member Khan thanked Ms. Rash for coming and for visiting with him; that he did agree in such economic times if they could help companies, extension of contract was not something he was against; and upon questions, Ms. Rash stated that to have a contract with the city there were certain performance to standards you had to meet; and Council Member Khan stated that he was struggling with not opening it up to the market, he could see both sides; and he would appreciate her and others who did not want to open it up to visit with him and help him get over the dilemma; and Ms. Rash stated that what they would give up was

experience and it took time to get to goals. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Brown and Lovell absent.

Council Member Johnson thanked Ms. Rash for coming and stated that he knew what had been done, but now that the contract was up for extension other drivers were saying they wanted a piece of the pie too; that everyone said she knew more about the program than anyone and he would like to know how the new segments would be dolled out and how a determination would be made on who got what and he wanted to know where they stood on MWBE participation and how they would increase it. Council Members Lawrence, Holm, Rodriguez, Brown and Lovell absent.

Mr. Ken Ulmer, 9303 Clinton, Houston, Texas 77080 (832-250-7628) appeared, presented information and stated that he was a SafeClear operator on the Katy Freeway and orchestrated the pilot program for SafeClear prior to its implementation and currently chaired the Education Committee for the Texas Towing and Storage Association and through the committee had trained 1,500 light duty towing operators throughout the state; that when it came to safety and compliance he was all in and he had invested his career and reputation to achieve the goals; that SafeClear was 24 hour and 365 days and the job could not be done part time and it could only work with people 100% dedicated and committed; that the contractors forum SafeClear Management Group met at least once a month to review, critique and insure they were meeting goals and they spent over \$100,000.00 on communication equipment and they could summon every tow truck operator in the city in the event of a disaster or evacuation and SafeClear was the epitome of a partnership which really worked. Council Members Lawrence, Holm, Rodriguez, Brown and Green absent.

Council Member Jones stated that she was struggling with the non competitiveness of a major contract with the City of Houston; and upon questions, Mr. Ulmer stated that Ms. Rash was referring to her own contract with the 17 subcontractors, but there were actually 50 subcontractors throughout the entire city with the 11 prime contractors; that a key point Dr. Stein found out was that contractors had gotten so much better at the job because they trained in it daily; and Council Member Jones stated that she would like them to speak with her later; and upon further questions, Mr. Ulmer stated that the point of the study was the city was sued by a group saying they should have had an opportunity at this and this study was proving SafeClear was not 60%, etc., of their business, it proved the actual SafeClear program was actually less than 6% of the business, people did not understand that all the tows from the freeway were owner consent prior to SafeClear so they could not be counted. Council Members Lawrence, Holm, Rodriguez, Brown, Lovell and Green absent.

Council Member Sullivan stated that his comments were more for his colleagues and the Mayor and he was fully supportive of anyone coming up to speak on an issue as that was what Tuesdays were about, but he was not supportive of discussion on opening an existing contract with the City of Houston just because another vendor wanted to do it, it would be bad precedent to open a contract because some did not get to bid and everyone, except Council Member Gonzalez voted for the contract as he was not on Council; that he went out with SafeClear and saw what they did and decided to vote for it; and Mayor White stated that he agreed with his conclusion, but he did not feel as strongly as he did, that it was off base, when there was a contract extension to talk about; that there would be winners and losers and it would be inevitable and people when not receiving a contact would say it was unfair, that was life in City Hall, but they created something here that would be similar to a regulated utility and there was benefits from integration of a lot of activities and regulation based on price and performance and it was always difficult to figure how to get the right balance; that if there was more time with him he would probably recommend a scoring system so that contractors in the bottom 10% of the score could have bids accepted on and that would have benefit of the spirit of competition and continuity and it was his judgment that now was not the time to change horses and he felt that

was where Council Member Lovell was coming from with the continuity. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Brown, Lovell and Green absent.

Mr. Seth Jeffe, 109 Welch, Houston, Texas 77006 (713-574-8667) appeared, presented information and stated that he was an aerospace engineer at the NASA Johnson Space Center and part time student at the U of H and was present asking for recycling pickup in his area of the East Montrose; that they had undergone a change in the last five years and mentioned such as the Director of Solid Waste issued a letter in 2008 that recycling neighborhoods with less than 10% participation would be dropped and apparently that was what happened in his neighborhood years ago, but with their change he asked his neighborhood be reassessed; that his communication timeline was what he turned in and he was still on a waiting list and would appreciate assistance. Council Members Lawrence, Clutterbuck, Holm, Gonzalez, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that senior staff today suggested there was a report on the progress of the new and improved curbside recycling program and they did have a goal to roll it out to all residences, certain things were delayed with Hurricane Ike, but he would speak with Ms. Stein about appropriate committees; that 900,000 tons was being sent to solid waste sites and they had a goal by the end of the fiscal year to get it down to 700,000 tons on an annualized basis; and Ms. Vasquez could give him more information. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Brown and Lovell absent.

Council Member Adams stated that she appreciated Mr. Jeffe's diligence and when they noticed Houston was way behind at a 12% recycling rate she was promoted to educate others and get increased participation; that she had been communicating about his area and would continue to be an advocate; and Ms. Joseph was present with Solid Waste and could communicate with him. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. Jonathan Ingrassia, 20094 South Navaho Trail, Katy, Texas 77449 (281-682-7891) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent.

Pastor James E. Nash, 8309 Brandon, Houston, Texas 77051 (713-725-1664) appeared and stated that he was present to speak on something in the communities, the criminal element had become younger, the rash of break-ins, etc. were being done by 14 year old youth; that crime was the responsibility of all and he was saying that to parents who did not know how to account for their children, crime was not just for one body to fight, but everyone in the community was responsible and he would not allow a bunch of young thugs to take over his community; that Friday when they attempted to break-in a house the owner proceeded to shoot and a 14 year old got shot, the parents were not together but should still be held responsible, but the community with their meetings should be able to police itself, too much emphasis was placed on outside help and he was asking for more help from the community; and prostitution was also back. Council Members Lawrence, Clutterbuck, Holm, Rodriguez and Brown absent.

Council Member Adams stated that many saw the news and she believed the one he spoke of perished in a driveway; that the community, Sunnyside, they had worked with a couple of months and she would keep him in the loop as they were getting ready to do a walk and perhaps his church could join them; and Pastor Nash stated that prostitution brought other criminal elements and when you allowed it to go on the other criminal elements came in. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown absent.

Council Member Johnson thanked Pastor Nash for coming and stated that he appreciated the notion by which he came and the challenge he put out; that regarding the prostitutes he

realized one day they could not do business with people watching and he and others went out and the Johns would not come as they did not want to be noticed and eventually the problem moved so though they may never get rid of it they could make it move around and he believed being more communicative would not allow the bad to have free reign, just start meeting outside and own the streets. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent.

Council Member Jones thanked Pastor Nash for coming and stated that she would tag onto what Council Member Johnson said, in her neighborhood they had prostitution and drug activity, very small amounts being sold by young people, but standing out there saying you were writing license plate numbers down worked, but until they helped the people the problem would just move. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent.

Ms. Susanna Sisson, 9449 Briar Forest Drive #1701, Houston, Texas 77063 (832-297-5921) appeared and stated that she was present as she moved into the Westchase Area in 2008 because of its beauty, but then when walking between Tanglewilde and Briarforest on the property where she lived, Woodlake on the Bayou, which was managed by the Richdale Group, she started finding trash being dumped by residents and contract people; that she had taken about 100 bags and 5 truckloads of all kinds of materials and trash and it created a problem with flooding; that neighbors joined her and every Sunday they met and cleaned; that she finally called 311. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that Ms. Sisson should continue; and Ms. Sisson stated that she involved the City of Houston calling 311 and inspectors were sent out and it was being cleaned and improving, unfortunately when people complain they did not get a renewal of lease or were evicted and she was one of the victims, she received an eviction notice after complaining, but she would like regular checks done there so improvement would continue; and Council Member Noriega thanked Ms. Sisson for all her work. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Sisson for coming and upon questions, Ms. Sisson stated that the responsibility fell on the owner of the property, but the management company on site was well aware of the problem; that she had them come to her apartment regarding a raccoon falling through a hole and she mentioned all the debris at the bayou and they said they were not aware and would fix it, but it just got worse; and Council Member Jones stated that Crime Stoppers gave rewards and it may bring out others to watch and get pictures. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Leonardo Castro, 8300 Sands Point, Houston, Texas 77036 (832-537-1762) appeared with his daughter as a translator, and stated that he owned a condo at 5635 DeSoto and went out of town to work for a month and after returning the whole property was vacant and they said he could not go in without a notarized letter, everyone was evicted, he had gone to a previous meeting where they were told on November 15, 2007, they would be putting in \$3,000,000.00 to fix the condominiums but he had never received any other information; that he had been on time with his monthly payments and wanted to know how it could be resolved. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Castro for coming and stated that her understanding was the City Legal Department was dealing with Mr. Castro and she understood they had filed a lawsuit against the City of Houston and at this point they needed to let Legal work through it and they could not comment; and upon questions, Mr. Heilman stated that Mr. Castro had not filed a claim for the \$2,000.00 worth of tools; that the property was closed in August 2007, and they had not received an itemized list from the individual; that he was named in a lawsuit as the owner of unit 1028 and the lawsuit was pending, some activity may delay the trial, but they were thinking it should go to trial before the end of the year; that he could file a claim against the city, but he failed to file within the 90 days required and there was a statute of limitations which may be applicable, but he could file and they would look at it and respond. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Heilman stated this was the lawsuit involving Candlelight Trails Condominium project; that he was an owner of one of the units; and upon further questions by Council Member Jones, Mr. Castro stated that he had not filed suit against the city; and Council Member Jones stated that you only had 2 years to file; and upon further questions, Vice Mayor Pro Tem Lovell stated that first the city had information no claim was filed; and upon questions, Mr. Heilman stated that he had 90 days from the date the action occurred, there were some exceptions, but he would not speculate. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Barbara Hargrove Wilkins, 7303 Touchstone, Houston, Texas 77028 (713-491-8876) appeared, presented information and stated that she was present regarding a problem with the Harris County Metropolitan System, she would like them to pay close attention to her stated illustration, Saturday, September 5, 2009, she boarded a bus, number 3915, and her elbow got stuck in an opening of the back seat; that she was unable to remove it and reported the incident to the bus transit driver and not the METRO driver and after 30 minutes they almost concluded someone would have to come to remove her elbow, but then divine providence entered into the mind of the driver. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she needed to speak with METRO and Mr. Thomas in her office would sit with her and set up a meeting between her and METRO and she was sorry it happened; and upon questions, Ms. Wilkins stated that she would like Mr. Wilson or someone in his standing to be able to ride METRO and see the problems they had at this time; that she was warning as she saw potential problems; and Vice Mayor Pro Tem Lovell stated they would get with METRO and get them on the bus and she would be happy to assist her. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Robert Gilmore, Winbern, Houston, Texas 77004 (281-546-8168) appeared and stated that they wanted a more perfect union and justice established for the community; that they wanted domestic tranquility insured and as a veteran of the U. S. Air Force and preacher of the gospel it was a blessing to have liberty and prosperity and October 2 through 4, 2009, Real Urban Ministry would be hosting an urban community rally this weekend to address the issues and they were asking all leaders to participate; and asking for the Mayor and Council's support. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Gilmore stated that he did not have an event schedule, they were opening the doors because of what had been happening in the community, resources were available and they needed an honest discussion on which issues could be addressed. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Carl Matthews, 1709 Orr, Houston, Texas 77009 (713-807-0805) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that they should take a good look at him and not see his skin color and they would see Mr. Howard Hughes, Senior, because he was Mr. Howard Hughes, Junior.; that his identity was kept secret; and he continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Frank Elias, 10223 Valencia, Houston, Texas 77013 (713-675-5027) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that prostitution and SafeClear, the City of Houston needed a "red light" district in Midtown and the SafeClear program needed a tuneup; www.mayorgalvan.com; happy birthday to Libras, etc.; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present speaking on what her area needed, the hike and bike trail was moved from the Eastside to the Westside, and she wanted her people saved. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:47 p.m. City Council recessed until 9:00 a.m., Wednesday, September 23, 2009. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 23, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Melissa Noriega absent on personal business.

At 8:25 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:34 Mayor White called the meeting to order. Council Members Sullivan, Brown and Green absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 51

MISCELLANEOUS - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE MIDTOWN MANAGEMENT DISTRICT**:

- Position Three - **MR. FRANCISCO RIOS**, appointment, for a term to expire 6/1/2011
- Position Ten - **MS. EILEEN J. MORRIS**, appointment, for a term to expire 6/1/2013
- Position Eleven - **MR. BRIAN WARWICK**, appointment, for a term to expire 6/1/2013
- Position Twelve - **MR. JOHN G. CASTILLO**, reappointment, for a term to expire 6/1/2013
- Position Thirteen - **MR. VERNUS C. SWISHER**, reappointment, for a term to expire 6/1/2013
- Position Fourteen - **MR. ADAM BRACKMAN**, reappointment, for a term to expire 6/1/2013
- Position Fifteen - **MS. GAYLE FORTSON**, reappointment, for a term to expire 6/1/2013
- Position Sixteen - **MS. THAO COSTIS**, reappointment, for a term to expire 6/1/2013
- Position Seventeen - **MR. MICHAEL TODD TRIGGS**, reappointment, for a term to expire 6/1/2013

- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0685 ADOPTED.

2. REQUEST from Mayor for reappointment of the following individuals to the **PUBLIC PARKING COMMISSION**, for terms to expire December 31, 2010:

- Position Nine - **MR. M. MARVIN KATZ**
- Position Thirteen - **MS. EVALYN LAING KRUDY**

- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0686 ADOPTED.

3. RECOMMENDATION from Director Affirmative Action and Contract Compliance to set Airport Concessions Disadvantaged Business Enterprise (ACDBE) goal for airport leasing (concession) contracts for the period October 1, 2009 through September 30, 2012 in compliance with DBE Ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49CFR Parts 23 and 26 - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0687 ADOPTED.

4. RECOMMENDATION from the Director of the Finance Department to place the proposed 2009 tax rate of \$.63875/\$100 of taxable value on the September 30, 2009 Council Agenda - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0688 ADOPTED.
5. RECOMMENDATION from Mayor's Office of Government Affairs for Membership with the **GULF COAST REGIONAL MOBILITY PARTNERS** - 1 Year - \$75,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0689 ADOPTED.

ACCEPT WORK - NUMBERS 6 through 9

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$3,677,764.50 and acceptance of work on contract with **SPAWMAXWELL COMPANY, LP** for Frank Branch Library Rehabilitation/Renovation (HPL Express Frank) - 2.47% under the original contract amount - **DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0690 ADOPTED.
7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$148,880.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.** for Asbestos and Lead Based Paint Abatement, Demolition and Disposal at six Public Works & Engineering Department Water Plants - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - SULLIVAN; F - KHAN and G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0691 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,283,996.56 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 6.14% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0692 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$910,586.21 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for East Lake Houston Unserved Areas, Hidden Echo Subdivision 5.03% under the original contract amount - **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0693 ADOPTED.

PROPERTY - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nathan Robert of Jacobs Engineering Group, Inc., on behalf of LG West Avenue Project LP, (Gables GP, Inc.

[Benjamin Pisklak, Regional Vice President], General Partner), Austin Trust Company, (Dell Boykin, Senior Vice President), Dickey Realty, Ltd., a limited partnership, (Dickey-Kirby Corp., a Texas corporation, [William J. Hudspeth, President], General Partner), and Thomas M. Lippincott, for abandonment and sale of Cameron Street, from Kirby Drive west to its terminus, and the two adjacent sidewalk easements, in exchange for the conveyance to the City of a 50-foot-wide utility easement, located in the College Heights Addition and the College Heights Addition Partial Replat No. 1, Parcels SY9-049A, SY9-049B, SY9-049C and VY9-029 - **DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0694 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 13

11. **CARRERA CONSTRUCTION, INC** for HVAC Replacement at Fire Station No. 20 for General Services Department - \$95,800.00 and contingencies for a total amount not to exceed \$105,479.00 - Reimbursement of Equipment/Projects Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0695 ADOPTED.
12. **LONE STAR UNIFORMS** for Uniforms, Law Enforcement from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$357,100.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0696 ADOPTED.
13. **CONTROL TECHNOLOGIES, INC** for Video Image Processors and Vehicle Detection Cameras from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$65,820.00 General Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0697 ADOPTED.

ORDINANCES - NUMBERS 14 through 51

14. ORDINANCE **AMENDING CHAPTERS 44 AND 5 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to coin operated machines, amusement redemption machines, game rooms, and the operation thereof; providing for severability; providing for an effective date - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0867 ADOPTED.
15. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within the **BINGLEWOOD SUBDIVISION, SECTION 1**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0868 ADOPTED.
16. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within

the **BINGLEWOOD SUBDIVISION, SECTION 2**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0869 ADOPTED.

17. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within the **BINGLEWOOD SUBDIVISION, SECTION 3 and SECTION 6 AMENDED**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0870 ADOPTED.
18. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within the **BINGLEWOOD SUBDIVISION, SECTION 4**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0871 ADOPTED.
19. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within the **BINGLEWOOD SUBDIVISION, SECTION 5**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0872 ADOPTED.
20. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within the **SHEPHERD FOREST SUBDIVISION, SECTION 1, BLOCKS 21-25**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0873 ADOPTED.
21. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHEPHERD FOREST SUBDIVISION, SECTION 1, BLOCKS 26 & 27 and SHEPHERD FOREST SUBDIVISION, SECTION 2** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0874 ADOPTED.
22. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHEPHERD FOREST SUBDIVISION, SECTION 1, EAST OF ELLA BOULEVARD** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0875 ADOPTED.
23. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within

SHEPHERD FOREST SUBDIVISION, SECTION 3 to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0876 ADOPTED.

24. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within the **GARDEN VILLAS SUBDIVISION** and the **HAMLINS WOODLAND SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0877 ADOPTED.
25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 498 - DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0878 ADOPTED.
26. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of ten (10) years, between **AMERICAN TOWER ASSET SUB, LLC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with a License Fee of \$46,100.00 for Fiscal Year 2010 and with annual increases as set forth in such agreement with a total cost for the initial base term (Fiscal Year 2010 through 2020) of \$624,649.48, to allow the Radio Communications Division of the Information Technology Department to install equipment on a communications tower and ground space in connection with a new Public Safety Radio System located at 17118 Bohemian Hall Road, Crosby, Texas - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0879 ADOPTED.
27. ORDINANCE approving and authorizing three (3) License Agreements, each for ten (10) years with two (2) renewals of ten (10) years, between **AMERICAN TOWERS, INC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with an Aggregate License Fee of \$138,300.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with an aggregate total cost for the initial base term (Fiscal Year 2010 through 2020) of \$1,873,948.44, to allow the Radio Communications Division of the Information Technology Department to install equipment on three (3) communications towers and ground space in connection with a new Public Safety Radio System - (5525 County Road 48, Rosharon, Texas) - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0880 ADOPTED.
28. ORDINANCE approving and authorizing three (3) License Agreements, each for ten (10) years with two (2) renewals of ten (10) years, between **AMERICAN TOWERS, INC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with an Aggregate License Fee of \$138,300.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with an aggregate total cost for the initial base term (Fiscal Year 2010 through 2020) of \$1,873,948.44, to allow the Radio Communications Division of the Information Technology Department to install equipment on three (3) communications towers and ground space in connection with a new Public Safety Radio System - (12411 Dawn, Houston, Texas) - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0881 ADOPTED.

29. ORDINANCE approving and authorizing three (3) License Agreements, each for ten (10) years with two (2) renewals of ten (10) years, between **AMERICAN TOWERS, INC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with an Aggregate License Fee of \$138,300.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with an aggregate total cost for the initial base term (Fiscal Year 2010 through 2020) of \$1,873,948.44, to allow the Radio Communications Division of the Information Technology Department to install equipment on three (3) communications towers and ground space in connection with a new Public Safety Radio System - (29327 Plumcreek #3, Spring, Texas) - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0882 ADOPTED.
30. ORDINANCE approving and authorizing two (2) License Agreements, each for ten (10) years with two (2) renewals of five (5) years, between **PINNACLE TOWERS ASSET HOLDING LLC**, Licensor, and the City of Houston, Texas, Licensee, with an Aggregate License Fee of \$59,200.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with an aggregate total cost for the initial base term (Fiscal Year 2010 through 2020) of \$972,344.68, to allow the Radio Communications Division of the Information Technology Department to install equipment on communications towers in connection with a new Public Safety Radio System (23007 Tomball Parkway, Tomball, Texas) - had been pulled from the Agenda by the Administration, and was not considered. Council Members Brown and Green absent.
31. ORDINANCE approving and authorizing two (2) License Agreements, each for ten (10) years with two (2) renewals of five (5) years, between **PINNACLE TOWERS ASSET HOLDING LLC**, Licensor, and the City of Houston, Texas, Licensee, with an Aggregate License Fee of \$59,200.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with an aggregate total cost for the initial base term (Fiscal Year 2010 through 2020) of \$972,344.68, to allow the Radio Communications Division of the Information Technology Department to install equipment on communications towers in connection with a new Public Safety Radio System (15409 Old Humble Road, Humble, Texas) - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0883 ADOPTED.
32. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of five (5) years, between **PINNACLE TOWERS LLC**, Licensor, and the City of Houston, Texas, Licensee, with an Aggregate License Fee of \$35,200.00 for Fiscal Year 2010 and with annual increases as set forth in such agreement with a total cost for the initial base term (Fiscal Year 2010 through 2020) of \$578,144.64, to allow the Radio Communications Division of the Information Technology Department to install equipment on communications towers in connection with a new Public Safety Radio System - (4605 W. Baker Road, Baytown, Texas) - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0884 ADOPTED.
33. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of ten (10) years, between **UNISITE, LLC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with a License Fee of \$46,100.00 for Fiscal Year 2010 and with annual increases as set forth in such agreement with a total cost for the initial base term (Fiscal Year 2010 through 2020) of \$624,649.48, to allow the Radio Communications Division of the Information Technology Department to install equipment on a communications tower and ground space in connection with a new Public Safety Radio System located at 5910 County Road 182, Alvin, Texas - was presented. All voting

aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0885 ADOPTED.

35. ORDINANCE approving the issuance of bonds by the **UPTOWN DEVELOPMENT AUTHORITY DISTRICTS C - CLUTTERBUCK and G - HOLM** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0886 ADOPTED.
36. ORDINANCE appropriating \$163,740.89 out of Woodlands Regional Participation Fund and approving and authorizing issuance of a Purchase Order to **CXT, INC** for Purchase and Installation of a Pre-Engineered Building for Lake Houston Wilderness Park - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0887 ADOPTED.
38. ORDINANCE amending Ordinance No. 2007-0257 (Passed on February 21, 2007) to increase the maximum contract amount for contract between the City of Houston and **COGENT, INC d/b/a COGENT SYSTEMS, INC** for an Automated Fingerprint Identification System, Maintenance and Interface Services for the Houston Police Department - \$453,986.36 - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0888 ADOPTED.
39. ORDINANCE amending Ordinance No. 2003-0222 (Passed on March 5, 2003) to increase the maximum contract amount for contract between the City of Houston and **SABER SOFTWARE, INC d/b/a SABER GOVERNMENT SOLUTIONS, an EDS Company** for Alarm Billing Services for the Houston Police Department - \$200,515.20 - General Fund - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0889 ADOPTED.
42. ORDINANCE approving and authorizing Settlement Agreement for Contested Case Hearing before the Texas Commission on Environmental Quality, Docket Number 2006-1723-WR, by and between the City of Houston, **THE AMERICAN RICE GROWERS COOPERATIVE ASSOCIATION-DAYTON DIVISION**, and the **ALDERS' GROUP** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0890 ADOPTED.
43. ORDINANCE relating to prescribing a standard for maintaining sufficient water pressure for service to fire hydrants adequate to protect public safety in residential areas within the City of Houston - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0891 ADOPTED.
44. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and the **SAN JACINTO RIVER AUTHORITY** - Revenue - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0892 ADOPTED.
46. ORDINANCE appropriating \$3,610,157.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **NORTH HOUSTON POLE LINE, 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 Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0893 ADOPTED.

47. ORDINANCE appropriating \$486,120.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; 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 Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0894 ADOPTED.
48. ORDINANCE appropriating \$8,654,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for Lyerly Street 72-inch Sanitary Tunnel, 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 H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0895 ADOPTED.
49. ORDINANCE appropriating \$2,573,511.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS); 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 Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0896 ADOPTED.
50. ORDINANCE appropriating \$1,412,770.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacement in Port Houston Subdivision; 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 - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0897 ADOPTED.
51. ORDINANCE granting to **WASTE CONNECTIONS OF TEXAS, LLC, A Texas Limited Liability Company**, 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 **FIRST READING** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0898 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ORDINANCES

34. ORDINANCE approving the issuance of bonds by the **MEMORIAL CITY REDEVELOPMENT AUTHORITY - DISTRICTS A - LAWRENCE and G - HOLM** - was presented. Council Members Brown and Green absent.

Council Member Khan moved to postpone Item No. 34 for two weeks, seconded by Council Member Clutterbuck. Council Members Brown and Green absent.

Mayor White stated that there were some specific issues raised by a Council Member that they did not have an immediate answer to and was told that this was not time sensitive. Council Members Brown and Green absent.

Council Member Holm asked if they needed two weeks, could they just tag it, and Mayor White asked Council Member Khan if he wanted to withdraw his motion to postpone. Council Members Green and Brown absent.

Council Member Khan stated that he would withdraw the motion to postpone Item No. 34 and would tag the item. Council Members Brown and Green absent.

Council Member Lawrence stated that she realized that not all of the Council Members were present and it may involve a Council Member who was not here, but both district Council Members wanted to move this forward so she did not understand the tag, that they had not been contacted this week, that they would appreciate one week delay at the most. Council Members Brown and Green absent.

Mayor White stated that the item had been tagged. Council Members Brown and Green absent.

37. ORDINANCE approving and authorizing contract between the City of Houston and **TDINDUSTRIES, INC** for Facility Operations, Maintenance and Repair Services for the Convention and Entertainment Facilities Department; providing a maximum contract amount 3 Years with two one-year options - \$22,590,818.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0899 ADOPTED.
40. ORDINANCE awarding contract to **JTB SERVICES, INC, FERNANDEZ & SON, CHERRY MOVING COMPANY, INC d/b/a CHERRY DEMOLITION, SMITH-MOBLEY, INC and WILLIS DEMOLISHING COMPANY** for Demolition Services for the Houston Police Department; providing a maximum contract amount - 1 Year with two one-year options - \$8,000,000.00 - Dangerous Building Consolidated Fund - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. ORDINANCE 2009-0900 ADOPTED.

41. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer Consolidated Construction Fund for contract between the City of Houston and **KELLOGG, BROWN AND ROOT SERVICES, INC** for On-Call Maintenance and Repair Services Contract (Passed by Ordinance No. 2007-1129) – was presented, and tagged by Council Member Johnson. Council Members Brown and Green absent.

45. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT**, a Purchase and Sale Agreement and an Assignment and Assumption of License Agreement between the City and the **BUFFALO BAYOU PARTNERSHIP**, and a Project Agreement among the City, **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON**, and **DOWNTOWN REDEVELOPMENT AUTHORITY**, all relating to the purchase of Block 6 and a portion of Caroline Street (Abandoned) and a portion of Block 7, S.S.B.B. Addition, Houston, Harris County, Texas - **DISTRICT H - GONZALEZ** – was presented, and tagged by Council Member Gonzalez. Council Members Brown and Green absent.

NON CONSENT AGENDA - NUMBERS 52 through 54

MISCELLANEOUS

52. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for RealBlue Investments LLC for the site located at 2806 - 2818 Hullsmith Drive - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 18, 2009** – was presented. Council Members Brown and Green absent.

Council Member Khan moved to set Wednesday, November 18, 2009, for a hearing to consider a Municipal Setting Designation ordinance (MSD) for RealBlue Investments LLC for the site located at 2806 – 2818 Hullsmith Drive, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0698 ADOPTED.

53. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for 8200 Southwest Freeway, LLC for the site located at 8200 Southwest Freeway - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 18, 2009** – was presented. Council Members Brown and Green absent.

Council Member Khan moved to set Wednesday, November 18, 2009, for a hearing to consider a Municipal Setting Designation ordinance (MSD) for 8200 Southwest Freeway, LLC for the site located at 8200 Southwest Freeway, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0699 ADOPTED.

54. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for CR V Hardy Yards L.P. for the site located at 1400 Fulton Street - **DISTRICT H - GONZALEZ - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 9, 2009** – was presented. Council Members Brown and Green absent.

Council Member Khan moved to set Wednesday, December 9, 2009, for a hearing to consider a Municipal Setting Designation ordinance (MSD) for CR V Hardy Yards L.P. for the site located at 1400 Fulton Street, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Brown and Green absent. MOTION 2009-0700 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Jones first

Council Member Jones stated that there was an Infant Mortality Summit going on at Texas Southern, that Neighborhood Centers was putting it on with other collaborative groups, that she wanted to thank the Mayor for doing a proclamation for that, that they were attempting to let people know all the different ways that they could protect their kids and prevent death because a lot of deaths of children were preventable; that this weekend she was inviting all Houstonians to come out for a fun free family event in the name of charity, the Houston Survivor Challenge was being played at downtown Sesquicentennial Park on the banks of Buffalo Bayou, located at 500 Preston, between Babgy and Smith Streets, that the two charities that would split the proceeds of the Houston Survivor Challenge were Buffalo Bayou Partnership and the U'jana Conley Foundation for Sudden Infant Death Syndrome, that the challenge would be held on September 26 and 27, 2009 and was free to view and would start at 9:00 a.m., that she wanted to thank the people who had sponsored the event, Channel 11, Continental Airlines, Weight Watchers, Q Family Care, that the list went on and on. Council Members Johnson, Lovell and Green absent.

Council Member Rodriguez stated that they were hosting District I Family Day at Discovery Green on Saturday, September 26, 2009, from 3:00 p.m. to 10:00 p.m., that they were going to have games and live performances. Council Members Lovell and Green absent.

Council Member Sullivan stated that District E was going to host a BOPA (Batteries, Oil, Paint and Antifreeze) along with the City of Houston Solid Waste Management Department on Saturday at Ellington Field Recycling, September 26, 2009, 10:00 a.m. to 2:00 p.m., that they were adding electronic waste collection to the event which was a highly requested service that they had gotten a lot of calls on; that he wanted to thank Director Harry Hayes for responding so quickly and efficiently to a concern he had about overflowing cardboard bins at the Kingwood Recycling Center, that they were located at the Kingwood Park and Ride lot, that he wanted to thank with Solid Waste for taking care of it and Director Hayes for giving it some special attention; that they passed an important item today the contract with the San Jacinto River Authority and he would like to acknowledge Mr. Gary Montgomery, the Chair of the River Authority, as well as Andy Icken, June Chang and others with Public Works who saw it through, that it was a landmark contract that was going to serve all of their resale and wholesale water customers; that they had some severe storms move through quickly in Kingwood Monday afternoon, that they lost power so all of the traffic lights were out and they had lightning strike a couple of homes and houses caught on fire, that it was a real mess, that he wanted to thank Public Works for responding and helping get the streets clear and the debris picked up, as well as the Fire and Police Departments for their work; that he wanted to thank Mr. Issah Dadoush for arranging and hosting a hard hat tour of the new Bracewell Library in the southern part of his district. Council Members Green and Jones absent.

Council Member Lovell stated that on Monday, September 28, 2009, at 3:00 p.m. there would be a special called Transportation, Infrastructure and Aviation Committee meeting to discuss the Palm Center and Metro issue. Council Members Green and Jones absent.

Council Member Lawrence stated that she wanted to say thank you to the people of Lazy Brook, Timbergrove and Timbergrove Manor, they had a small park that had never been on the CIP, that they had sent out an email to everybody in the neighborhood saying that they were going to knock on their doors and ask for all their coins, they got \$9,042 for the park, they set up an account with the Parks Board, who was participating in helping them design that park, that Goodman Air Conditioning gave \$15,000 for the park, that on Monday they were demolishing the pavilion that had caused a lot of problems for those neighborhoods since the neighborhoods backed up into the park, that they were going to have a wine party and a number of things they

were doing to get everybody out; that she was exciting to see that Planning was able to get to their agenda the park in yards ordinance, so for all of the neighborhoods out there that had gone through the hearing process, as the research was done with Legal and various other things that needed to be done to get the metes and bounds written for the ordinance they would bring those forward in various sections, that they had three neighborhoods that were brought forward today and soon a park in yards preventative would be in effect in those neighborhoods. Council Members Clutterbuck, Lovell, Green and Jones absent.

Council Member Johnson stated that as to Item No. 40 today he was glad to know that they were able to set aside these kind of dollars to get some of these abandoned buildings torn down, that last night a couple of buildings in District B burned down and they were abandoned buildings, and the question was, at this point, was what do they do, that he and the Mayor had talked about it and had talked with Legal, that the question was when could they convene some kind of hearing or get with Legal to move the process to a point where they were absolutely certain that they could start taking these buildings down a lot faster, that they had a lot of abandoned buildings in many parts of the City that were really stagnating the developmental opportunities for the community, that when do they get to a point where they say the building is abandoned now let's take it down, a ten year building with nothing going on, that it may be structurally sound but no one claims it was really damaging to a neighborhood, that he knew it might include some State Statutes or some State law but what do they do at this point. Council Members Lawrence, Clutterbuck, Lovell and Jones absent.

Mayor White stated that he would ask Ms. Stein to make a note, as well as Council Member Adams, they had several meetings about this, a meeting just about every three weeks, that they had taken down a whole lot but he was dissatisfied, that it was a great source of frustration, that they were going to have a meeting next week, which would be the next of several, and asked Council Member Johnson to join them in the meeting and see what they could do, they had money in the budget to do it so that was not a problem. Council Members Lawrence, Clutterbuck, Lovell and Jones absent.

Council Member Holm stated that she wanted to call attention to Kendall Library, which was progressing very well and would be a complex, that it was the first time the City had addressed a library that was also a community center, that it was a park, a library and the trail head to Terry Hershey, that building would open before the end of the year and the Mayor will be able to dedicate it, that it was a great model for bringing the community together; Council Member Holm stated that they were continuing to address some very serious concerns in neighborhoods of West Houston, around the Gessner and Memorial City area for the flooding that occurred last April, that they were setting up the meetings with the neighborhood at this point, that they tagged an item today and hoped as the Mayor was looking at whether or not to allow bonds to be issued for this that it was in an area that had much needed infrastructure problems and if they do not maybe make some short term thoughts without including both of the Council Members that were involved in this that recognized the importance of issuing those bonds at this time; that she knew that Council Member Johnson was going to have a birthday on Sunday and wished him a Happy Birthday. Council Members Lawrence, Lovell and Jones absent.

Council Member Khan stated that on Saturday, September 26, 2009, they would have their second annual Alief International Parade, that it would start at Way Lees International Trade Center and go to the Alief Ninth Grade School on Cook Road; that there would be a free clinic cosponsored by National Association of Free Clinics and Lone Star Association of Charitable Clinics, that it was a one day, free, basic health care clinic on Saturday, September 26, 2009 at Reliant Center, that it was for people who had no insurance, especially for kids; that the Houston Public Library was hosting an open house and reception on Sunday, September 27, 2009, from 2:00 p.m. to 4:00 p.m. at the main library at 500 McKinney, that it was for the

Houston Public Library World Language Center, that the center was very well received and a very successful project; that last week they had a townhall meeting about Southwest Memorial Hospital, that everybody was relieved to see that the proposed sale of the Southwest Memorial Hospital to Harris County Hospital District was abandoned by both, that there were a lot of people at the meeting, that Mr. Lopez of the Harris County Hospital District gave a very thorough briefing about the need of the hospital, that it also brought to light that when things were done without taking the stakeholders in confidence, that before a letter of intent was signed the doctors were given assurances that there was no pending sale, that because of that many of them ended up signing long term leases for their offices and right after that the deal came through so there was a big uproar, that every stakeholder was against it, that they wanted to thank the leadership of Commissioner Radick, who took up the charge and made sure that it did not go through, that he would call to their attention a report in the Houston Chronicle by Todd Ackerman, where 62 doctors unanimously voted for a proclamation, a passage of no confidence resolution directed at the leadership at Memorial Hermann System, that he thought it was important for the Memorial Hermann Board to consider the wishes of the stakeholders, that this was not the first time this had been done, that just very recently there was an issue at the Memorial System in the Town and Country area where they had to settle a lawsuit by Texas Attorney General Gregg Abbott accusing the non profit system of organizing and a boycott to keep Town and Country Hospital from succeeding, that there was a lawsuit by doctors of that hospital still pending, that there seemed to be a lot of leadership issues at Memorial System and he hoped that the governing board would look into it and take appropriate actions so that the confidence in that system and the stake holder confidence in providing better care for the patients could be maintained. Council Members Lawrence and Rodriguez absent.

Council Member Green stated that 2009 Bio Houston Annual Luncheon would take place at the Crystal Ballroom Rice Hotel on October 13, 2009, that it was to celebrate the achievement of women who were in science and helped others to pursue research and applications that spur economic growth for their region, that if they wanted to register for the event they could call 713-807-1411, extension 7, or visit Bio Houston at SterlingandAssociates.Com or BioHouston.org; that Mr. Larry Kellmer was named International Executive of the Year by the Greater Houston Partnership and there would be a luncheon on Friday, September 25, 2009, from 11:30 a.m. to 1:30 p.m. at the Hilton Houston Post Oak, Main Ball Room; that he went to Washington, D.C. last Monday and met with some individuals with the NEA and some people from national organizations that helped children and promoted self esteem and basic all of the things that they did in Houston regarding after school programs, as well as the enrichment programs, that interestingly enough people were asking about the Project Grad Walk that they held last week, that he thought that it spread to the region but thought they were going to get more people all over the Country who were now interested in that because they did get some press in many of the educational publications, that the spin on that was not just that it was good for the dropouts but it was also good for the economic vitality of all the individual cities, that he thought they were nationally known not just because of their economy but also because of the educational piece that they were doing with that. Council Members Lawrence and Rodriguez absent.

Council Member Khan stated that tomorrow there would be a candidate forum at the Sharpstown Civic Club and everybody was invited. Council Member Lawrence absent.

Council Member Green stated that he wanted to wish his wife a Happy Anniversary. Council Member Lawrence absent.

Council Member Brown stated that this weekend, September 25 through 27, 2009 at the George R. Brown Convention Center they would have an Italian style expo, that he had been pushing for more international conventions and they got one this weekend, that it was a sample of gourmet Italian food and wine, that it was free; that the City and Mayor had gotten another

award, the Automatic Fleet Magazine Green Fleet Leadership Award of 2009, which would be presented at the conference in Chicago in October 2009, that the reason they got the award was that they had replaced 683 passenger vehicles with hybrids through the Mayor's Hybrid Initiative, that in terms of automobile emissions they were beating their own goals for reduction of the carbon emissions; that he wanted to talk about the automated recycling in neighborhoods competition that his office sponsored along with Keep Houston Beautiful, they offered a prize to the neighborhoods that had the highest recycling participation rate in their new recycling program, that it started out with 8 neighborhoods and had now expanded to 20 neighborhoods, that the first prize winner was Pinebrook in the Clear Lake area with 76.3% household participation, second prize, 68.2%, Westbury and third prize, with 68.1%, Oakbrook, Oakbrook and Pinebrook were in the Clear Lake area, that it reminded him of a note that he sent to everybody, the thing that kept Oakbrook and Pinebrook and the Clear Lake Community prosperous was in part NASA, that NASA faces a funding crisis and they needed to support in every way possible additional federal funds so NASA could move forward with it's program that was so important to the future of space and the economy of the City of Houston. Council Members Lawrence and Lovell absent.

Council Member Clutterbuck stated that she wanted to let everybody know about two events that she participated in last week, that she attended the tree planting of some of the new trees, the new high rise oaks as well as the ball cypress on Kirby Drive that was part of the Upper Kirby TIRZ Reconstruction Project, that was delivering flood relief to that neighborhood, as well as wider and more spacious and safer traffic lanes and wider sidewalks for a pedestrian friendly environment, that they were replacing the trees that were taken down with part of that new construction and with new trees that were a larger caliber and would end up being truly a beautiful accent to the grand boulevard, Kirby Drive north of Highway 59, that she wanted to thank the Upper Kirby TIRZ for allowing her to participate in that; that the second event was in Westbury, they had started an initiative in working with Urban Harvest to create a community garden on about 9 acres of property that was owned by the Houston Housing Authority, that she wanted to thank David Minceberg for his participation in this, that it was her sincere hope that Mr. Ernie Etuk, who did not show up for the meeting that was scheduled on Friday, would continue to engage with the community and be a part of this, that he had committed that they could, as a City, lease that property to the community to build the community garden at the cost of \$1 per year, that she was eager to get that going and it may need action from the City Legal Department, that in addition to the 30 community members that were at that piece of property to discuss the potential there, they also had people from Urban Harvest, as well as principles from all of the area schools, and some of the new curriculum directors at area schools that were working in the Culinary Arts Department; that she had welcomed two new people to the District C Office, Landon Taylor, who brought a wealth of experience from another Council office and Jonathan Newport as her new Chief of Staff, who would start on Monday. Council Members Lawrence and Khan absent.

Council Member Adams stated that last Thursday there was an important meeting in the McGregor area concerning the increase in crime, that they had over 300 people who attended the community meeting, that it was her understanding that they had apprehended some of the suspects and she wanted to thank Chief Durden and Chief Hurtt and the South Central Police Command for their aggressiveness and diligence; that she wanted to thank the Texas Medical Center for their invitation to attend the dedication of the Doctor Richard E. Wainerdi Bridge yesterday, that it was a great ribbon cutting, that she had an opportunity to meet Dr. Denton Cooley and the wife of the late Dr. DeBakey; that tonight there would be an HPD Central Division pit meeting at 1600 State Street; that on Saturday there would be a dedication of the Confucius Statue at the Hermann Park Garden Center at 9:00 a.m.; that on Saturday at the MLK Health Center at 8610 Martin Luther King there would be a health fair; that on Monday night there would be a meeting at the OST Community Partnership at the Palm Center Court Room for those who wanted to get updated on the future plans of Palm Center in partnership with Metro; that today they passed Item No. 40 and Council Member Johnson brought up some information about demolishing dangerous buildings, that she wanted to thank Amy because she had been part of the meeting process, that they had a lot of good information to share with them on where they were with that and some of the reorganizing and find out what some of the bottleneck was with Neighborhood Protection, that some of the buildings were going down; that there would be a Brownfields stakeholder meeting at 5:30 p.m. at the Sunnyside Multi Service Center; that she wanted to thank Council Member Rodriguez, who was the epitome of teamwork and being a part of sharing, that this Saturday they had the opportunity to share in two grand openings, Wiley Park and Webster Park, that Council Member Rodriguez would like to thank the Fourth Ward TIRZ, the Mayor's Office and Mr. Turner, Parks and Recreation, that Webster Park was in District I and they both shared Wiley Park; that they had over 10,000 people on Saturday morning for "Houston Loves Prayer", that they had over 40 ministers and 40 churches who participated, that she wanted to thank Bishop Bismark and Jean Gabriel for their leadership, that if they had never seen people grabbing hands and praying around the entire 610 Loop they really missed a blessing on Saturday morning, that it was very diverse and a sight to see. Council Members Lawrence and Khan absent.

Council Member Gonzalez stated that on Saturday at 9:00 a.m. he wanted to invite everyone to be a part of the naming ceremony for the new Leonell Castillo Senior Center at South Street at Quitman, that it was the original Robert E. Lee Elementary School; that he wanted to thank the Harris County Department of Education for co-hosting a townhall meeting last night in North Lindale; that they were still working on the Heights arson situation and would ask all community members to stay vigilant and report any suspicious activity to the proper authorities and to please know that all agencies were working together to solve these crimes and always feel free to contact Crime Stoppers with any information at 713-222-TIPS, there was a reward up to \$5,000; that he wanted to thank Neighborhood Protection for their hard work in addressing some local issues with weeded lots in District H, that he knew that NPC was backed up and inundated with requests but keep up the good work; that tomorrow they were having the ground breaking for the New Hope Sakowitz SRO in the Fifth Ward/Denver Harbor area and wanted to thank Mayor White and the Houston Hope Program and Housing and Community Development for that great project; that on Friday in Independence Heights there would be a Hurricane Ike Recovery Fair at Neighborhood Centers from 12:00 p.m. to 7:00 p.m. Council Members Lawrence and Brown absent.

Council Member Jones stated that going back to the Survivor Challenge this weekend she wanted to recognize all of the sponsors, Chester Engineers, City of Houston, Continental Airlines, Convention and Entertainment Facilities, DoubleTree Hotel, Gallant Garage, Greater Houston Convention & Visitors Bureau, Greater Houston Restaurant Association, KHOU Channel 11, Port of Houston Authority and Quality Infusion Care, Inc.; that on Sunday they were going to have a BARC adoption at the event, that on Saturday, at Council Member Rodriguez event, they would also have a BARC adoption. Council Members Lawrence, Johnson, Holm,

Gonzalez, Rodriguez, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that about two weeks ago Parks Director Joe Turner and some representatives from SWA Architects came to talk to him about Lake Houston Wilderness Park, that they collectively had been given an award of excellence from the American Society of Landscape Architects, Texas Chapter, Award of Excellence to Lake Houston Master Plan and recognized partners of the City of Houston, that it was in recognition of outstanding professional achievement. Council Members Lawrence, Johnson, Holm, Gonzalez, Rodriguez, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:26 a.m. Council Member Noriega absent on personal business. Council Members Lawrence, Johnson, Holm, Gonzalez, Rodriguez, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary